

SB0743/617978/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 743
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Motor Vehicle Insurance –”; in the same line, after “Sharing” insert “Programs”; in line 3, after “of” insert “prohibiting a peer-to-peer car sharing program from delivering or issuing for delivery a certain agreement unless the peer-to-peer car sharing program uses a certain collision damage waiver form; requiring a peer-to-peer car sharing program to hold a limited lines license to sell certain insurance under certain circumstances; requiring that a certain license authorize a certain employee and certain authorized representative to act on behalf of, and under the supervision of, a peer-to-peer car sharing program with respect to certain kinds of insurance; specifying the requirements for holding and the authority provided by a certain license; requiring the Maryland Insurance Commissioner to issue a certain license under certain circumstances; requiring a certain insurance policy to be primary to any other valid and collectible coverage; authorizing the Commissioner to refuse to issue or suspend, revoke, or refuse to renew a certain license and impose certain penalties under certain circumstances; authorizing the Commissioner to adopt certain regulations; requiring that if a certain insurance policy includes certain coverages, the motor vehicles insured under that coverage include certain coverages;”; in line 19, strike “motor”; in the same line, after “vehicle” insert “owner”; in line 20, after “period;” insert “providing that a certain insurance requirement may be satisfied in a certain manner; authorizing a peer-to-peer car sharing program to own and maintain as the named insured certain policies; requiring a certain offer to provide certain coverage in a certain amount under certain circumstances; specifying certain requirements for insurance required or authorized to be provided by a peer-to-peer car sharing program; providing that certain consumer complaints are subject to the Commissioner’s authority;”; strike beginning with “authorizing” in line 22 down through “actions;” in line 25; in line 27, after “defend” insert “or indemnify”; and in line 28, strike “of” and substitute “to seek”.

(Over)

On page 2, in line 12, after “parties;” insert “providing that a peer-to-peer car sharing program is subject to a certain sales and use tax rate; requiring a peer-to-peer car sharing program to ensure that a shared vehicle owner and a shared vehicle driver are insured during a certain period; providing that a certain replacement vehicle may be deemed to have satisfied a certain requirement by maintaining certain security; requiring a certain agreement to contain a certain provision under certain circumstances; requiring a certain security to cover certain persons; prohibiting a peer-to-peer car sharing program from entering into a certain agreement unless a certain driver holds a certain driver’s license or is otherwise authorized under certain provisions of law to drive certain vehicles; requiring a peer-to-peer car sharing program to keep certain records; authorizing a certain police officer or a certain authorized representative to inspect certain records; prohibiting a peer-to-peer car sharing program from entering into a certain agreement with a certain intent for which a certain charge is based on the distance traveled under certain circumstances; establishing a certain penalty; prohibiting a person from allowing certain individuals to operate a certain shared motor vehicle under certain circumstances; providing that a peer-to-peer car sharing program must have a certain concession fee agreement to operate at certain airports; specifying the contents of a certain agreement; prohibiting a peer-to-peer car sharing program from charging for the use of a certain shared motor vehicle after a certain period; allowing a peer-to-peer car sharing program to charge a certain separately stated fee; requiring a peer-to-peer car sharing program to verify that a certain shared motor vehicle does not have a certain safety recall; prohibiting a shared vehicle owner from making a motor vehicle available on a certain program under certain circumstances; requiring a peer-to-peer car sharing program to verify the age of a certain shared motor vehicle and request from a shared vehicle owner the date of the last State inspection on a shared motor vehicle; requiring a peer-to-peer car sharing program to notify certain shared vehicle owners of certain requirements; requiring the Consumer Protection Division of the Office of the Attorney General to provide a certain report on or before a certain date; requiring the Motor Vehicle Administration and the Comptroller to identify and compile certain information and report to certain committees of the General Assembly on or before a certain date; providing for a delayed effective date for certain provisions of this Act; providing for the construction and

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application of certain provisions of this Act; providing for the termination of certain provisions of this Act;”.

On page 2, after line 14, insert:

“BY repealing and reenacting, with amendments,

Article - Commercial Law

Section 14-2101

Annotated Code of Maryland

(2013 Replacement Volume and 2017 Supplement)”;

in line 22, after “10-601(c)” insert “and 19-512”; in line 27, after “Section” insert “10-6A-01 through 10-6A-07 to be under the new subtitle “Subtitle 6A. Peer-to-Peer Car Sharing Programs; and””; strike in their entirety lines 30 through 34, inclusive; in line 37, strike “11-148.1(b) and”; in the same line, after “18-108(a)” insert “; and 18.5-101 through 18.5-110 to be under the new subtitle “Subtitle 18.5. Peer-to-Peer Car Sharing Programs””; and after line 39, insert:

“BY repealing and reenacting, with amendments,

Article - Tax - General

Section 11-101(l)(4) and 11-104(c)(1)

Annotated Code of Maryland

(2016 Replacement Volume and 2017 Supplement)”

BY repealing and reenacting, without amendments,

Article - Tax - General

Section 11-104(a)

Annotated Code of Maryland

(2016 Replacement Volume and 2017 Supplement)”

BY adding to

Article - Tax - General

(Over)

Section 11-104(c-1)
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)".

AMENDMENT NO. 2

On page 2, after line 41, insert:

"Article – Commercial Law

14-2101.

(a) (1) In this section the following words have the meanings indicated.

(2) "CAR SHARING PERIOD" HAS THE MEANING STATED IN § 19-520 OF THE INSURANCE ARTICLE.

(3) "Collision damage waiver" means:

(I) WITH RESPECT TO A RENTAL AGREEMENT, any contract, whether separate from or part of a rental agreement, in which the lessor agrees, for a charge, to waive all or part of any claims against the lessee for damages to the rental motor vehicle during the term of the rental agreement; AND

(II) WITH RESPECT TO A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT, A PROVISION IN THE PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT IN WHICH IT IS AGREED, FOR A CHARGE, THAT ALL OR PART OF ANY CLAIMS AGAINST A SHARED VEHICLE DRIVER FOR DAMAGES TO A SHARED MOTOR VEHICLE DURING A CAR SHARING PERIOD ARE WAIVED.

[(3)](4) "Lessee" means any person obtaining the use of a rental motor vehicle from a lessor under the terms of a rental agreement.

[(4)](5) “Lessor” means any person in the business of providing rental motor vehicles to the public.

[(5)](6) “Passenger car” means any motor vehicle that is a Class A (passenger) vehicle under § 13–912 of the Transportation Article, or any motor vehicle that is a Class M (multipurpose) vehicle under § 13–937 of the Transportation Article if the vehicle is used primarily for transporting passengers.

(7) “PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT” HAS THE MEANING STATED IN § 19–520 OF THE INSURANCE ARTICLE.

[(6)](8) “Rental agreement” means a written agreement setting forth the terms and conditions governing the use of a rental motor vehicle by a lessee for a period of less than 180 days.

[(7)](9) “Rental motor vehicle” means a passenger car which, on execution of a rental agreement, is made available to a lessee for the lessee’s use.

(10) “SHARED MOTOR VEHICLE” HAS THE MEANING STATED IN § 19–520 OF THE INSURANCE ARTICLE.

(11) “SHARED VEHICLE DRIVER” HAS THE MEANING STATED IN § 19–520 OF THE INSURANCE ARTICLE.

(b) The Division shall develop a form for collision damage waivers FOR LESSORS AND FOR PEER-TO-PEER CAR SHARING PROGRAMS, and shall make it available to all lessors AND PEER-TO-PEER CAR SHARING PROGRAMS in the State.

(c) The form shall meet the requirements specified in subsection (e) of this section.

(Over)

(d) (1) A lessor may not deliver or issue for delivery in this State a rental motor vehicle agreement containing a collision damage waiver, unless the lessor uses a separate collision damage waiver form provided by the Division that meets the requirements specified in subsection (e) of this section.

(2) A PEER-TO-PEER CAR SHARING PROGRAM MAY NOT DELIVER OR ISSUE FOR DELIVERY IN THE STATE A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT CONTAINING A COLLISION DAMAGE WAIVER, UNLESS THE PEER-TO-PEER CAR SHARING PROGRAM USES A SEPARATE COLLISION DAMAGE WAIVER FORM PROVIDED BY THE DIVISION THAT MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (E) OF THIS SECTION.

(e) The collision damage waiver form shall contain the following requirements:

(1) The collision damage waiver shall be understandable and written in simple and readable plain language;

(2) The terms of the collision damage waiver, including, but not limited to, any conditions or exclusions applicable to the collision damage waiver, shall be prominently displayed;

(3) All restrictions, conditions, or provisions in, or endorsed on, the collision damage waiver are printed in type at least as large as Brevier or 10 point type;

(4) The collision damage waiver shall include a statement of the total charge for the anticipated rental period **OR CAR SHARING PERIOD** or the anticipated total daily charge;

(5) The agreement containing the collision damage waiver shall display the following notice on the face of the agreement, set apart and in boldface type, and in type at least as large as 10 point type:

“Notice:

This contract offers, for an additional charge, a collision damage waiver to cover your responsibility for damage to the vehicle. Before deciding whether to purchase the collision damage waiver, you may wish to determine whether your own automobile insurance affords you coverage for damage to the rental vehicle **OR SHARED MOTOR VEHICLE** and the amount of the deductible under your own insurance coverage. The purchase of this collision damage waiver is not mandatory and may be waived. Maryland law requires that all Maryland residents’ insurance policies with collision coverage automatically extend that collision coverage to passenger cars rented **OR MOTOR VEHICLES SHARED** by the insureds named in the policy for a period of 30 days or less.”; and

(6) Any additional information that the Division considers reasonable and necessary to carry out the provisions of this subtitle.

(f) A failure by a lessor to comply with subsection (d) of this section is an unfair or deceptive trade practice within the meaning of Title 13, Subtitle 3 of this article.”.

AMENDMENT NO. 3

On page 3, after line 10, insert:

“SUBTITLE 6A. PEER-TO-PEER CAR SHARING PROGRAMS.

10-6A-01.

(Over)

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “AUTHORIZED REPRESENTATIVE” MEANS AN INDEPENDENT CONTRACTOR OF A PEER-TO-PEER CAR SHARING PROGRAM.

(C) “CAR SHARING PERIOD” HAS THE MEANING STATED IN § 19-520 OF THIS ARTICLE.

(D) “PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT” HAS THE MEANING STATED IN § 19-520 OF THIS ARTICLE.

(E) “PEER-TO-PEER CAR SHARING PROGRAM” MEANS A PEER-TO-PEER CAR SHARING PROGRAM, AS DEFINED IN § 19-520 OF THIS ARTICLE, THAT SELLS OR OFFERS A MOTOR VEHICLE LIABILITY INSURANCE POLICY ISSUED BY AN INSURER UNDER § 19-520 OF THIS ARTICLE.

(F) “SHARED VEHICLE DRIVER” HAS THE MEANING STATED IN § 19-520 OF THIS ARTICLE.

(G) “VEHICLE” MEANS A MOTOR VEHICLE:

(1) OF THE PRIVATE PASSENGER TYPE, INCLUDING PASSENGER VANS, MINIVANS, AND SPORT UTILITY VEHICLES; OR

(2) OF THE CARGO TYPE, INCLUDING CARGO VANS, PICKUP TRUCKS, AND TRUCKS THAT DO NOT REQUIRE THE OPERATOR TO POSSESS A COMMERCIAL DRIVER’S LICENSE.

10-6A-02.

(A) A PEER-TO-PEER CAR SHARING PROGRAM SHALL HOLD A LIMITED LINES LICENSE TO SELL INSURANCE IN CONNECTION WITH, AND INCIDENTAL TO, THE RESERVATION OF A SHARED MOTOR VEHICLE THROUGH THE PEER-TO-PEER CAR SHARING PROGRAM BEFORE THE PEER-TO-PEER CAR SHARING PROGRAM OR ITS EMPLOYEES OR AUTHORIZED REPRESENTATIVES MAY SELL OR OFFER ANY POLICIES OF INSURANCE IN THE STATE TO A SHARED VEHICLE DRIVER IN CONNECTION WITH, AND INCIDENTAL TO, A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT.

(B) A LIMITED LINES LICENSE ISSUED UNDER THIS SUBTITLE TO SELL INSURANCE IN CONNECTION WITH, AND INCIDENTAL TO, THE PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT SHALL AUTHORIZE ANY EMPLOYEE AND ANY AUTHORIZED REPRESENTATIVE OF THE PEER-TO-PEER CAR SHARING PROGRAM WHO IS TRAINED, UNDER § 10-6A-04(A)(4) OF THIS SUBTITLE, TO ACT ON BEHALF OF, AND UNDER THE SUPERVISION OF, A PEER-TO-PEER CAR SHARING PROGRAM, WITH RESPECT TO THE KINDS OF INSURANCE SPECIFIED IN § 10-6A-04(B)(2) OF THIS SUBTITLE.

(C) THE ACTS OF AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OFFERING OR SELLING INSURANCE COVERAGE ON BEHALF OF A PEER-TO-PEER CAR SHARING PROGRAM SHALL BE DEEMED THE ACTS OF THE PEER-TO-PEER CAR SHARING PROGRAM FOR THE PURPOSES OF THIS SUBTITLE.

(D) A PEER-TO-PEER CAR SHARING PROGRAM HOLDING A LIMITED LINES LICENSE ISSUED UNDER THIS SUBTITLE TO SELL INSURANCE IN CONNECTION WITH, AND INCIDENTAL TO, THE PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT IS NOT REQUIRED TO TREAT PREMIUMS COLLECTED FROM A SHARED VEHICLE DRIVER WHO PURCHASED INSURANCE FROM THE

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PEER-TO-PEER CAR SHARING PROGRAM AS FUNDS RECEIVED IN A FIDUCIARY CAPACITY IF:

(1) THE INSURER REPRESENTED BY THE PEER-TO-PEER CAR SHARING PROGRAM HAS CONSENTED IN A WRITTEN AGREEMENT, SIGNED BY AN OFFICER OF THE INSURER, THAT THE PREMIUMS DO NOT NEED TO BE SEGREGATED FROM OTHER FUNDS RECEIVED BY THE PEER-TO-PEER CAR SHARING PROGRAM UNDER THE PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT; AND

(2) THE CHARGES FOR INSURANCE COVERAGE ARE ITEMIZED BUT NOT BILLED TO THE SHARED VEHICLE DRIVER SEPARATELY FROM THE CHARGES FOR THE CAR SHARING PERIOD.

(E) AN EMPLOYEE OR AN AUTHORIZED REPRESENTATIVE OF A PEER-TO-PEER CAR SHARING PROGRAM WHO OFFERS OR SELLS INSURANCE COVERAGE ON BEHALF OF THE PEER-TO-PEER CAR SHARING PROGRAM:

(1) MAY BE COMPENSATED FOR OFFERING OR SELLING INSURANCE COVERAGE UNDER THIS SUBTITLE; BUT

(2) MAY NOT BE COMPENSATED IN A MANNER THAT IS BASED SOLELY ON THE NUMBER OF CUSTOMERS WHO PURCHASE MOTOR VEHICLE LIABILITY INSURANCE.

(F) THIS SUBTITLE MAY NOT BE CONSTRUED TO PROHIBIT PAYMENT OF COMPENSATION TO AN EMPLOYEE OR AN AUTHORIZED REPRESENTATIVE OF A PEER-TO-PEER CAR SHARING PROGRAM WHO OFFERS OR SELLS INSURANCE

COVERAGE ON BEHALF OF THE PEER-TO-PEER CAR SHARING PROGRAM FOR ACTIVITIES THAT ARE INCIDENTAL TO THE EMPLOYEE'S OVERALL ACTIVITIES.

(G) A PEER-TO-PEER CAR SHARING PROGRAM THAT HOLDS A LIMITED LINES LICENSE TO SELL INSURANCE IN CONNECTION WITH, AND INCIDENTAL TO, THE PEER-TO-PEER CAR SHARING OF A MOTOR VEHICLE ISSUED UNDER THIS SUBTITLE SHALL:

(1) MAINTAIN A REGISTER, ON A FORM THE COMMISSIONER REQUIRES, CONTAINING:

(I) THE NAMES OF EACH EMPLOYEE OR AUTHORIZED REPRESENTATIVE WHO OFFERS LIMITED LINES INSURANCE ON BEHALF OF THE PEER-TO-PEER CAR SHARING PROGRAM; AND

(II) THE BUSINESS ADDRESSES OF ALL LOCATIONS WHERE EMPLOYEES OR AUTHORIZED REPRESENTATIVES OFFER LIMITED LINES INSURANCE ON BEHALF OF THE PEER-TO-PEER CAR SHARING PROGRAM FOR CAR SHARING AGREEMENTS ENTERED INTO IN THE STATE; AND

(2) SUBMIT THE REGISTER FOR INSPECTION BY THE COMMISSIONER AS THE COMMISSIONER REQUIRES.

10-6A-03.

(A) THE COMMISSIONER SHALL ISSUE TO A PEER-TO-PEER CAR SHARING PROGRAM, OR A FRANCHISEE OF A PEER-TO-PEER CAR SHARING PROGRAM, A LIMITED LINES LICENSE AUTHORIZING THE PEER-TO-PEER CAR SHARING PROGRAM TO OFFER OR SELL INSURANCE IN CONNECTION WITH, AND

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INCIDENTAL TO, A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT IF THE PEER-TO-PEER CAR SHARING PROGRAM:

(1) MEETS THE REQUIREMENTS OF § 10-6A-04 OF THIS SUBTITLE;

(2) PAYS THE FEES FOR INSURANCE PRODUCERS REQUIRED UNDER § 2-112 OF THIS ARTICLE THAT ARE APPLICABLE TO AN INSURANCE PRODUCER LICENSE; AND

(3) SUBMITS TO THE COMMISSIONER ANY ADDITIONAL INFORMATION OR DOCUMENTATION THAT THE COMMISSIONER REQUIRES, INCLUDING ANY INFORMATION OR DOCUMENTATION NEEDED TO DETERMINE THE PROFESSIONAL COMPETENCE, GOOD CHARACTER, AND TRUSTWORTHINESS OF THE PEER-TO-PEER CAR SHARING PROGRAM.

(B) A LIMITED LINES LICENSE TO SELL INSURANCE IN CONNECTION WITH, AND INCIDENTAL TO, THE PEER-TO-PEER CAR SHARING OF A MOTOR VEHICLE ISSUED UNDER THIS SUBTITLE IS SUBJECT TO THE SAME TERM AND RENEWAL CONDITIONS SPECIFIED FOR AN INSURANCE PRODUCER LICENSE UNDER § 10-115 OF THIS TITLE.

10-6A-04.

(A) A LIMITED LINES LICENSE TO SELL INSURANCE IN CONNECTION WITH, AND INCIDENTAL TO, THE PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT ISSUED UNDER THIS SUBTITLE AUTHORIZES THE PEER-TO-PEER CAR SHARING PROGRAM TO OFFER OR SELL, IN CONNECTION WITH, AND INCIDENTAL TO, A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT, THE INSURANCE PRODUCTS SPECIFIED IN SUBSECTION (B) OF THIS SECTION IF:

(1) THE POLICIES HAVE BEEN FILED WITH AND APPROVED BY THE COMMISSIONER AS COMPLIANT WITH § 19-520(D) OF THIS ARTICLE;

(2) THE PEER-TO-PEER CAR SHARING PROGRAM HOLDS AN APPOINTMENT WITH EACH AUTHORIZED INSURER, UNDER § 10-118 OF THIS TITLE, THAT THE PEER-TO-PEER CAR SHARING PROGRAM INTENDS TO REPRESENT;

(3) PRIOR TO COMPLETION OF THE PEER-TO-PEER CAR SHARING TRANSACTION, AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE PEER-TO-PEER CAR SHARING PROGRAM PROVIDES TO THE SHARED VEHICLE DRIVER DISCLOSURES APPROVED BY THE COMMISSIONER THAT:

(I) SUMMARIZE, CLEARLY AND CORRECTLY, THE MATERIAL TERMS OF COVERAGE, INCLUDING LIMITATIONS OR EXCLUSIONS;

(II) IDENTIFY THE AUTHORIZED INSURER OR INSURERS;

(III) SPECIFY THAT THE POLICIES OFFERED BY THE PEER-TO-PEER CAR SHARING PROGRAM MAY PROVIDE A DUPLICATION OF COVERAGE ALREADY PROVIDED BY A SHARED VEHICLE DRIVER'S PERSONAL AUTOMOBILE INSURANCE POLICY, HOMEOWNER'S INSURANCE POLICY, PERSONAL LIABILITY INSURANCE POLICY, OR OTHER SOURCE OF COVERAGE;

(IV) SPECIFY THAT THE PURCHASE OF THE COVERAGE OFFERED BY THE PEER-TO-PEER CAR SHARING PROGRAM IS NOT REQUIRED IN ORDER FOR THE SHARED VEHICLE DRIVER TO PARTICIPATE IN THE PEER-TO-PEER CAR SHARE;

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(V) DESCRIBE THE PROCESS BY WHICH THE SHARED VEHICLE DRIVER CAN FILE A CLAIM; AND

(VI) SPECIFY THAT ANY EXCESS LIABILITY COVERAGE PURCHASED BY THE SHARED VEHICLE DRIVER MAY DUPLICATE COVERAGE REQUIRED TO BE PROVIDED UNDER § 18.5-102 OF THE TRANSPORTATION ARTICLE;

(4) THE PEER-TO-PEER CAR SHARING PROGRAM PROVIDES A TRAINING PROGRAM, APPROVED BY THE COMMISSIONER, FOR EACH EMPLOYEE OR AUTHORIZED REPRESENTATIVE WHO SELLS, SOLICITS, OR NEGOTIATES INSURANCE COVERAGE UNDER THIS SUBTITLE THAT INCLUDES:

(I) INSTRUCTION ABOUT THE KINDS OF INSURANCE SPECIFIED IN SUBSECTION (B) OF THIS SECTION THAT CAN BE OFFERED TO SHARED VEHICLE DRIVERS;

(II) INSTRUCTION THAT THE EMPLOYEE OR AUTHORIZED REPRESENTATIVE IS REQUIRED TO INFORM A SHARED VEHICLE DRIVER THAT THE PURCHASE OF ANY INSURANCE FROM THE PEER-TO-PEER CAR SHARING PROGRAM IS NOT REQUIRED IN ORDER FOR THE SHARED VEHICLE DRIVER TO PARTICIPATE IN THE PEER-TO-PEER CAR SHARE; AND

(III) INSTRUCTION THAT THE EMPLOYEE OR AUTHORIZED REPRESENTATIVE IS REQUIRED TO INFORM A SHARED VEHICLE DRIVER THAT THE SHARED VEHICLE DRIVER MAY HAVE INSURANCE POLICIES THAT ALREADY PROVIDE THE COVERAGE BEING OFFERED BY THE PEER-TO-PEER CAR SHARING PROGRAM; AND

(5) AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE WHO OFFERS OR SELLS INSURANCE COVERAGE ON BEHALF OF THE PEER-TO-PEER CAR SHARING PROGRAM INFORMS A SHARED VEHICLE DRIVER THAT THE POLICIES OFFERED BY THE PEER-TO-PEER CAR SHARING PROGRAM MAY DUPLICATE COVERAGE ALREADY PROVIDED BY THE SHARED VEHICLE DRIVER'S PERSONAL AUTOMOBILE INSURANCE POLICY, HOMEOWNER'S INSURANCE POLICY, PERSONAL LIABILITY INSURANCE POLICY, OR OTHER SOURCE OF COVERAGE.

(B) A LIMITED LINES LICENSE TO SELL INSURANCE IN CONNECTION WITH, AND INCIDENTAL TO, A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT ISSUED UNDER THIS SUBTITLE AUTHORIZES THE PEER-TO-PEER CAR SHARING PROGRAM TO OFFER OR SELL INSURANCE POLICIES UNDER THIS SUBTITLE THAT ARE:

(1) IN THE AMOUNT OF, IN EXCESS OF, OR OPTIONAL TO THE COVERAGES REQUIRED TO BE PROVIDED UNDER § 19-520(D)(1) OF THIS ARTICLE; AND

(2) ONE OF THE FOLLOWING KINDS OF INSURANCE:

(I) BODILY INJURY LIABILITY;

(II) PROPERTY DAMAGE LIABILITY;

(III) UNINSURED MOTORIST INSURANCE; OR

(IV) IF APPROVED BY THE COMMISSIONER, ANY OTHER INSURANCE COVERAGE THAT IS APPROPRIATE IN CONNECTION WITH A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT.

10-6A-05.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN INSURANCE POLICY SOLD IN CONNECTION WITH, AND INCIDENTAL TO, A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT UNDER THE PROVISIONS OF THIS SUBTITLE IS PRIMARY TO ANY OTHER VALID AND COLLECTIBLE COVERAGE.

(B) ANY INSURANCE SOLD TO A SHARED VEHICLE DRIVER UNDER THE PROVISIONS OF THIS SUBTITLE IS NOT PRIMARY TO THE COVERAGE PROVIDED BY THE PEER-TO-PEER CAR SHARING PROGRAM UNDER § 19-520(D)(1) OF THIS ARTICLE.

10-6A-06.

(A) THE COMMISSIONER MAY REFUSE TO ISSUE A LIMITED LINES LICENSE OR SUSPEND, REVOKE, OR REFUSE TO RENEW A LIMITED LINES LICENSE TO SELL INSURANCE IN CONNECTION WITH, AND INCIDENTAL TO, A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT ISSUED UNDER THIS SUBTITLE AFTER NOTICE AND OPPORTUNITY FOR A HEARING UNDER TITLE 2, SUBTITLE 2 OF THIS ARTICLE IF THE PEER-TO-PEER CAR SHARING PROGRAM OR AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE PEER-TO-PEER CAR SHARING PROGRAM HAS:

(1) WILLFULLY VIOLATED THIS ARTICLE OR ANOTHER STATE LAW THAT RELATES TO INSURANCE;

(2) OPERATED WITHOUT A LIMITED LINES LICENSE TO SELL INSURANCE IN CONNECTION WITH, AND INCIDENTAL TO, A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT AS REQUIRED UNDER THIS SUBTITLE;

(3) FAILED TO PROVIDE REQUIRED DISCLOSURES;

(4) OFFERED OR SOLD UNAPPROVED INSURANCE PRODUCTS;

(5) FAILED TO HOLD AN APPOINTMENT WITH THE INSURER;

(6) FAILED TO TRAIN EMPLOYEES AND AUTHORIZED REPRESENTATIVES SELLING OR SOLICITING, OR NEGOTIATING THE SALE OF, INSURANCE PRODUCTS ON BEHALF OF THE PEER-TO-PEER CAR SHARING PROGRAM; OR

(7) MISREPRESENTED PERTINENT FACTS OR POLICY PROVISIONS THAT RELATE TO THE COVERAGE OFFERED OR SOLD UNDER THIS SUBTITLE.

(B) A PEER-TO-PEER CAR SHARING PROGRAM AND ITS EMPLOYEES AND AUTHORIZED REPRESENTATIVES MAY NOT ADVERTISE, REPRESENT, OR OTHERWISE HOLD ITSELF OUT AS AN AUTHORIZED INSURER, OR AS AN INSURANCE PRODUCER, FOR ANY KIND OR SUBDIVISION OF INSURANCE.

(C) INSTEAD OF, OR IN ADDITION TO, SUSPENDING OR REVOKING A LIMITED LINES LICENSE TO SELL INSURANCE IN CONNECTION WITH, AND INCIDENTAL TO, A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT, THE COMMISSIONER MAY:

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(1) IMPOSE ON THE PEER-TO-PEER CAR SHARING PROGRAM A PENALTY OF NOT LESS THAN \$100 BUT NOT MORE THAN \$2,500 FOR EACH VIOLATION OF THIS SUBTITLE; AND

(2) REQUIRE THAT RESTITUTION BE MADE TO ANY PERSON WHO HAS SUFFERED FINANCIAL INJURY BECAUSE OF THE VIOLATION OF THIS ARTICLE.

10-6A-07.

THE COMMISSIONER MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE, INCLUDING REGULATIONS CONCERNING:

(1) THE FORM AND CONTENT OF REQUIRED DISCLOSURES TO SHARED VEHICLE DRIVERS;

(2) THE TRAINING REQUIREMENTS FOR EMPLOYEES AND AUTHORIZED REPRESENTATIVES OF A PEER-TO-PEER CAR SHARING PROGRAM; AND

(3) THE QUALIFICATIONS OF THE INDIVIDUALS WHO PROVIDE TRAINING FOR EMPLOYEES AND AUTHORIZED REPRESENTATIVES OF A PEER-TO-PEER CAR SHARING PROGRAM.

19-512.

(a) (1) Each insurer that issues, sells, or delivers a motor vehicle insurance policy in the State shall offer collision coverage for damage to insured motor vehicles subject to deductibles of \$50 to \$250 in \$50 increments.

(2) Collision coverage shall provide insurance, without regard to fault, against accidental property damage to the insured motor vehicle caused by physical contact of the insured motor vehicle with another motor vehicle or other object or by upset of the insured motor vehicle, if the motor vehicle accident occurs in a state, Canada, or Mexico.

(b) (1) In this subsection, “passenger car” means a motor vehicle that is:

(i) a Class A (passenger) vehicle under § 13–912 of the Transportation Article; or

(ii) a Class M (multipurpose) vehicle under § 13–937 of the Transportation Article used primarily for transporting passengers.

(2) If a private passenger motor vehicle insurance policy issued, sold, or delivered in the State includes:

(i) collision coverage under this section, the motor vehicles insured under that coverage shall include any passenger car that is rented **OR USED** by an insured for a period of 30 days or less under a rental agreement **OR A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT** as otherwise defined in § 14–2101 of the Commercial Law Article; or

(ii) comprehensive coverage, the motor vehicles insured under that coverage shall include any replacement vehicle as defined under § 18–102(a)(2)(i) **OR § 18.5–102(A)(2)(I)** of the Transportation Article.

(3) Each insurer that provides a private passenger motor vehicle insurance policy that includes collision coverage shall give the insured a separate notice written in boldface type that the insured does not need a collision damage waiver or any additional collision coverage when renting **OR PEER-TO-PEER CAR SHARING** a passenger car for a period of 30 days or less during the term of the policy.

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(4) An insurer may not deny coverage to an insured for collision damage to a rental passenger car because:

- (i) the motor vehicle accident involved an uninsured motorist; or
- (ii) the identity of the motor vehicle causing the damage cannot be ascertained.

(c) An insurer may offer to provide to the insured coverage for damages incurred by the insured as a result of the loss of use of a rental vehicle OR A SHARED MOTOR VEHICLE that sustains collision damage while rented by the insured.”.

AMENDMENT NO. 4

On page 3, after line 13, insert:

“(2) “CAR SHARING DELIVERY PERIOD” MEANS THE PERIOD OF TIME DURING WHICH A SHARED MOTOR VEHICLE IS BEING DELIVERED TO THE LOCATION OF THE CAR SHARING START TIME, AS DOCUMENTED BY THE SHARED VEHICLE OWNER UNDER A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT.”;

in lines 14, 17, and 22, strike “(2)”, “(3)”, and “(4)”, respectively, and substitute “(3)”, “(4)”, and “(5)”, respectively; in line 15, strike “AT THE CAR SHARING START TIME” and substitute “WITH THE CAR SHARING DELIVERY PERIOD”; in line 22, after “MEANS” insert “:

(1)”;

in the same line, after “WHEN” insert “THE SHARED MOTOR VEHICLE IS RETURNED TO THE LOCATION DESIGNATED BY THE SHARED VEHICLE OWNER THROUGH A PEER-TO-PEER CAR SHARING PROGRAM; AND”

(II)”;

in lines 24 and 26, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; and in lines 25, 26, and 27, in each instance, strike “A” and substitute “THE”.

On page 4, in line 1, strike “(III)” and substitute “3.”; in the same line, after the first “THE” insert “SHARED VEHICLE”; in the same line, after the second “THE” insert “SHARED VEHICLE”; in the same line, strike “OF A SHARED VEHICLE”; in lines 4, 8, 10, and 13, strike “(5)”, “(6)”, “(7)”, and “(8)”, respectively, and substitute “(6)”, “(7)”, “(8)”, and “(9)”, respectively; in line 6, after “MISREPRESENTS” insert “MATERIAL”; in the same line, after “THE” insert “SHARED VEHICLE”; after line 15, insert:

“(10) “PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT” MEANS THE WRITTEN TERMS AND CONDITIONS APPLICABLE TO A SHARED VEHICLE OWNER AND A SHARED VEHICLE DRIVER THAT GOVERN THE USE OF A SHARED VEHICLE THROUGH A PEER-TO-PEER CAR SHARING PROGRAM UNDER THE PROVISIONS OF THIS SECTION AND TITLE 18.5 OF THE TRANSPORTATION ARTICLE.”;

and in lines 16, 18, and 23, strike “(9)”, “(10)”, and “(11)”, respectively, and substitute “(11)”, “(12)”, and “(13)”, respectively.

On page 5, strike beginning with “A” in line 10 down through “THE” in line 13 and substitute “SUBJECT TO SUBSECTION (E)(1) OF THIS SECTION, THE”; in line 20, strike the comma and substitute “OR”; in line 21, strike “, OR INJURY TO THIRD

(Over)

PARTIES”; in line 22, after “AMOUNT” insert “STATED IN THE PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT, WHICH AMOUNT MAY”; in the same line, after “NOT” insert “BE”; in the same line, after “MINIMUM” insert “AMOUNT OF”; and in line 24, strike “THE” and substitute “EXCEPT FOR THE MINIMUM SECURITY REQUIRED UNDER § 17-103 OF THE TRANSPORTATION ARTICLE FOR ANY INJURED PERSON WHO DID NOT MAKE THE INTENTIONAL OR FRAUDULENT MISREPRESENTATION, THE”.

On page 6, in line 9, after “DISCLOSE” insert “TO THE SHARED VEHICLE OWNER AND THE SHARED VEHICLE DRIVER”; in line 14, strike “AND”; in line 19, after “PARAGRAPH” insert “;

(III) THAT THE PEER-TO-PEER CAR SHARING PROGRAM’S INSURANCE COVERAGE ON THE SHARED VEHICLE OWNER AND THE SHARED VEHICLE DRIVER IS IN EFFECT ONLY DURING EACH CAR SHARING PERIOD AND THAT, FOR ANY USE OF THE SHARED MOTOR VEHICLE BY THE SHARED VEHICLE DRIVER AFTER THE CAR SHARING TERMINATION TIME, THE SHARED VEHICLE DRIVER AND THE SHARED VEHICLE OWNER SHOULD CONTACT THE SHARED VEHICLE DRIVER’S OR THE SHARED VEHICLE OWNER’S INSURER ABOUT INSURANCE COVERAGE;

(IV) THAT THE PEER-TO-PEER CAR SHARING PROGRAM’S MOTOR VEHICLE LIABILITY INSURANCE POLICY MAY BE EXCLUSIVE FOR THE SHARED VEHICLE OWNER AND IS PRIMARY FOR THE SHARED VEHICLE DRIVER, BUT MAY BE SECONDARY FOR THE SHARED VEHICLE DRIVER IF THE SHARED MOTOR VEHICLE IS USED AS A REPLACEMENT VEHICLE, AS DEFINED IN § 18.5-102(A)(2)(I) OF THE TRANSPORTATION ARTICLE; AND

(V) THE DAILY RATE, FEES, ANY INSURANCE COSTS, AND ANY PROTECTION PACKAGE COSTS THAT ARE CHARGED TO THE SHARED VEHICLE OWNER OR THE SHARED VEHICLE DRIVER.

(4) AT THE TIME WHEN A VEHICLE OWNER REGISTERS AS A SHARED VEHICLE OWNER ON A PEER-TO-PEER CAR SHARING PROGRAM AND PRIOR TO THE TIME WHEN THE SHARED VEHICLE OWNER MAKES A SHARED MOTOR VEHICLE AVAILABLE FOR CAR SHARING ON THE PEER-TO-PEER CAR SHARING PROGRAM, THE PEER-TO-PEER CAR SHARING PROGRAM SHALL NOTIFY THE SHARED VEHICLE OWNER THAT, IF THE SHARED MOTOR VEHICLE HAS A LIEN AGAINST IT, THE USE OF THE SHARED MOTOR VEHICLE THROUGH A PEER-TO-PEER CAR SHARING PROGRAM, INCLUDING USE WITHOUT PHYSICAL DAMAGE COVERAGE, MAY VIOLATE THE TERMS OF THE CONTRACT WITH THE LIENHOLDER”;

strike beginning with “DURING” in line 20 down through “(2)” in line 23; in line 24, strike “MOTOR”; in the same line, after “VEHICLE” insert “OWNER”; strike beginning with “LIABILITY” in line 30 down through “THAN” in line 31; after line 32, insert:

“(2) THE INSURANCE DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE SATISFIED BY MOTOR VEHICLE LIABILITY INSURANCE MAINTAINED BY:

(I) A SHARED VEHICLE OWNER;

(II) A PEER-TO-PEER CAR SHARING PROGRAM; OR

(III) BOTH A SHARED VEHICLE OWNER AND A PEER-TO-PEER CAR SHARING PROGRAM.

(3) (I) A PEER-TO-PEER CAR SHARING PROGRAM SHALL HAVE AN INSURABLE INTEREST IN A SHARED MOTOR VEHICLE DURING THE CAR SHARING PERIOD.

(II) A PEER-TO-PEER CAR SHARING PROGRAM MAY OWN AND MAINTAIN AS THE NAMED INSURED ONE OR MORE POLICIES OF MOTOR VEHICLE LIABILITY INSURANCE THAT PROVIDES COVERAGE IN THE AMOUNT OF, IN EXCESS OF, OR OPTIONAL TO THE MINIMUM AMOUNT OF COVERAGE REQUIRED TO BE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, INCLUDING COVERAGE FOR:

1. LIABILITIES ASSUMED BY THE PEER-TO-PEER CAR SHARING PROGRAM UNDER A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT;

2. ANY LIABILITY OF THE SHARED VEHICLE OWNER;

3. DAMAGE OR LOSS TO THE SHARED MOTOR VEHICLE; AND

4. ANY LIABILITY OF THE SHARED VEHICLE DRIVER.

(III) AN OFFER BY A PEER-TO-PEER CAR SHARING PROGRAM TO PROVIDE COVERAGE TO A SHARED VEHICLE DRIVER IN THE AMOUNT OF, IN EXCESS OF, OR OPTIONAL TO THE MINIMUM AMOUNT OF COVERAGE REQUIRED TO BE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, WHETHER ON A STAND-ALONE BASIS OR AS PART OF A FINANCIAL PROTECTION PACKAGE, SHALL BE CONSIDERED THE SALE OR OFFER OF INSURANCE UNDER TITLE 10, SUBTITLE 6A OF THIS ARTICLE.

(4) THE INSURANCE DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION OR AUTHORIZED UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL:

(I) AS TO COVERAGE OF THE SHARED VEHICLE DRIVER, PAY CLAIMS ON A FIRST DOLLAR BASIS; AND

(II) BE ISSUED BY:

1. AN INSURER AUTHORIZED TO DO BUSINESS IN THE STATE; OR

2. SOLELY WITH RESPECT TO INSURANCE MAINTAINED BY A PEER-TO-PEER CAR SHARING PROGRAM UNDER PARAGRAPH (3) OF THIS SUBSECTION, AN ELIGIBLE SURPLUS LINES INSURER:

A. IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 3, SUBTITLE 3 OF THIS ARTICLE; AND

B. HAVING AN A.M. BEST FINANCIAL STRENGTH RATING OF A- OR BETTER.

(5) THE INSURANCE DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL, AS TO COVERAGE OF THE SHARED VEHICLE OWNER, PAY CLAIMS ON A FIRST DOLLAR BASIS, PROVIDED THAT THIS REQUIREMENT MAY NOT APPLY TO THE TERMS AND CONDITIONS APPLICABLE TO THE PEER-TO-PEER CAR SHARING PROGRAM UNDER THE INSURANCE POLICY.

(Over)

(6) CONSUMER COMPLAINTS CONCERNING CLAIMS AGAINST A SURPLUS LINES POLICY ISSUED IN CONNECTION WITH, AND INCIDENTAL TO, A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT ARE SUBJECT TO THE COMMISSIONER’S AUTHORITY UNDER § 27-303 OF THIS ARTICLE.”;

and in line 33, strike “(3)” and substitute “(7)”.

On page 7, in line 1, strike “(2)” and substitute “(1)”; in line 2, strike “OWNER” and substitute “DRIVER”; strike beginning with “AS” in line 2 down through “DRIVER” in line 3 and substitute “TO THE SHARED VEHICLE DRIVER’S MOTOR VEHICLE LIABILITY INSURANCE POLICY IF THE SHARED MOTOR VEHICLE IS USED BY THE SHARED VEHICLE DRIVER AS A REPLACEMENT VEHICLE, AS DEFINED IN § 18.5-102(A)(2)(I) OF THE TRANSPORTATION ARTICLE”; in line 6, strike “(2)” and substitute “(1)”; strike in their entirety lines 8 through 28, inclusive; and in line 32, after “DEFEND” insert “OR INDEMNIFY FOR ANY CLAIM”.

On page 8, in line 1, strike “UNINTENTIONALLY”; in line 2, after “CLAIM” insert “AGAINST A DRIVER THAT IS EXCLUDED UNDER THE TERMS OF ITS POLICY”; and in the same line, strike “A RIGHT OF” and substitute “THE RIGHT TO SEEK”.

On page 9, in line 22, after “VEHICLE” insert “LIABILITY”.

AMENDMENT NO. 5

On page 11, after line 5, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

11-101.

(l) (4) "Taxable price" includes[, for a short-term vehicle rental as defined under § 11-104(c) of this subtitle.] all sales and charges [made in connection with the short-term vehicle rental], including insurance, freight handling, equipment and supplies, delivery and pickup, cellular telephone, and other accessories, but not including sales of motor fuel subject to the motor fuel tax, MADE IN CONNECTION WITH:

(I) A SHORT-TERM VEHICLE RENTAL, AS DEFINED IN § 11-104(C) OF THIS SUBTITLE; OR

(II) A SHARED MOTOR VEHICLE USED FOR PEER-TO-PEER CAR SHARING AND MADE AVAILABLE ON A PEER-TO-PEER CAR SHARING PROGRAM, AS DEFINED IN § 19-520 OF THE INSURANCE ARTICLE.

11-104.

- (a) Except as otherwise provided in this section, the sales and use tax rate is:
- (1) for a taxable price of less than \$1:
 - (i) 1 cent if the taxable price is 20 cents;
 - (ii) 2 cents if the taxable price is at least 21 cents but less than 34 cents;
 - (iii) 3 cents if the taxable price is at least 34 cents but less than 51 cents;
 - (iv) 4 cents if the taxable price is at least 51 cents but less than 67 cents;

(Over)

(v) 5 cents if the taxable price is at least 67 cents but less than 84 cents; and

(vi) 6 cents if the taxable price is at least 84 cents; and

(2) for a taxable price of \$1 or more:

(i) 6 cents for each exact dollar; and

(ii) for that part of a dollar in excess of an exact dollar:

1. 1 cent if the excess over an exact dollar is at least 1 cent but less than 17 cents;

2. 2 cents if the excess over an exact dollar is at least 17 cents but less than 34 cents;

3. 3 cents if the excess over an exact dollar is at least 34 cents but less than 51 cents;

4. 4 cents if the excess over an exact dollar is at least 51 cents but less than 67 cents;

5. 5 cents if the excess over an exact dollar is at least 67 cents but less than 84 cents; and

6. 6 cents if the excess over an exact dollar is at least 84 cents.

(c) (1) In this subsection:

(i) “short-term vehicle rental” means a rental of a passenger car, as defined in § 11-144.2 of the Transportation Article, or a vehicle that may be registered as a Class D, E, F, G, or M vehicle under Title 13, Subtitle 9 of the Transportation Article, for a period of 180 days or less under the following terms:

1. the vendor does not provide a driver for the vehicle as a part of the rental; and
2. if the vehicle is a passenger car, as defined in § 11-144.2 of the Transportation Article, a multipurpose passenger vehicle, or a motorcycle, the vehicle is not to be used to transport individuals or property for hire; and

(ii) “short-term vehicle rental” does not include a rental of:

1. a dump truck, as described in § 13-919 of the Transportation Article;
2. a tow truck, as described in § 13-920 of the Transportation Article; [or]
3. a farm vehicle exempt from the sales and use tax under § 11-201(a) of this title; OR
4. A SHARED MOTOR VEHICLE USED FOR PEER-TO-PEER CAR SHARING AND MADE AVAILABLE ON A PEER-TO-PEER CAR SHARING PROGRAM, AS DEFINED IN § 19-520 OF THE INSURANCE ARTICLE AND THAT IS SUBJECT TO SALES AND USE TAX UNDER SUBSECTION (C-1) OF THIS SECTION.

(C-1) THE SALES AND USE TAX RATE FOR SALES AND CHARGES MADE IN CONNECTION WITH A SHARED MOTOR VEHICLE USED FOR PEER-TO-PEER CAR

SHARING AND MADE AVAILABLE ON A PEER-TO-PEER CAR SHARING PROGRAM, AS DEFINED IN § 19-520 OF THE INSURANCE ARTICLE, IS 8%.”;

and in line 7, after “2018.” insert “Section 2 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2020, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.

AMENDMENT NO. 6

On page 10, strike in their entirety lines 2 through 28, inclusive, and substitute:

“18-101.

(A) In this title, “rent” means to rent or lease for a period not exceeding 180 days.

(B) THIS TITLE DOES NOT APPLY TO PEER-TO-PEER CAR SHARING OF A SHARED MOTOR VEHICLE MADE AVAILABLE ON A PEER-TO-PEER CAR SHARING PROGRAM, AS DEFINED UNDER § 19-520 OF THE INSURANCE ARTICLE, AND THAT IS SUBJECT TO TITLE 18.5 OF THIS ARTICLE.”.

On page 11, in line 4, after “PROGRAM” insert “, AS DEFINED”; in line 5, after “ARTICLE” insert “, AND THAT IS SUBJECT TO TITLE 18.5 OF THIS ARTICLE.”

TITLE 18.5. PEER-TO-PEER CAR SHARING PROGRAMS.

18.5-101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “MOTOR VEHICLE” HAS THE MEANING STATED IN § 11-135 OF THIS ARTICLE.

(C) “PEER-TO-PEER CAR SHARING PROGRAM” HAS THE MEANING STATED IN § 19-520 OF THE INSURANCE ARTICLE.

(D) “PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT” HAS THE MEANING STATED IN § 19-520 OF THE INSURANCE ARTICLE.

(E) “SHARED MOTOR VEHICLE” HAS THE MEANING STATED IN § 19-520 OF THE INSURANCE ARTICLE.

(F) “SHARED VEHICLE DRIVER” HAS THE MEANING STATED IN § 19-520 OF THE INSURANCE ARTICLE.

(G) “SHARED VEHICLE OWNER” HAS THE MEANING STATED IN § 19-520 OF THE INSURANCE ARTICLE.

18.5-102.

(A) (1) A PEER-TO-PEER CAR SHARING PROGRAM SHALL ENSURE THAT, DURING EACH CAR SHARING PERIOD, THE SHARED VEHICLE OWNER AND THE SHARED VEHICLE DRIVER ARE INSURED UNDER A MOTOR VEHICLE LIABILITY INSURANCE POLICY IN ACCORDANCE WITH § 19-520 OF THE INSURANCE ARTICLE.

(2) (I) IN THIS PARAGRAPH, “REPLACEMENT VEHICLE” MEANS A MOTOR VEHICLE THAT IS USED IN A PEER-TO-PEER CAR SHARING PROGRAM WHILE A MOTOR VEHICLE OWNED BY THE INDIVIDUAL IS NOT IN USE BECAUSE OF

LOSS, AS "LOSS" IS DEFINED IN THAT INDIVIDUAL'S APPLICABLE PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICY, OR BECAUSE OF BREAKDOWN, REPAIR, SERVICE, OR DAMAGE.

(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A REPLACEMENT VEHICLE THAT IS MADE AVAILABLE THROUGH A PEER-TO-PEER CAR SHARING PROGRAM MAY BE DEEMED TO HAVE SATISFIED THE REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION BY MAINTAINING THE MINIMUM AMOUNT OF SECURITY REQUIRED UNDER § 17-103 OF THIS ARTICLE THAT IS SECONDARY TO ANY OTHER VALID AND COLLECTIBLE COVERAGE AND THAT EXTENDS COVERAGE TO THE OWNER'S MOTOR VEHICLE IN AMOUNTS REQUIRED UNDER § 17-103(B) OF THIS ARTICLE WHILE IT IS USED AS A REPLACEMENT VEHICLE.

(III) FOR A REPLACEMENT VEHICLE THAT IS MADE AVAILABLE THROUGH A PEER-TO-PEER CAR SHARING PROGRAM, THE PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT FOR THE REPLACEMENT VEHICLE TO BE SIGNED BY A SHARED VEHICLE OWNER AND A SHARED VEHICLE DRIVER SHALL CONTAIN A PROVISION ON THE FACE OF THE PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT, IN AT LEAST 10 POINT BOLD TYPE, THAT INFORMS THE SHARED VEHICLE DRIVER AND THE SHARED VEHICLE OWNER THAT THE COVERAGE ON THE VEHICLE BEING SERVICED OR REPAIRED IS PRIMARY COVERAGE FOR THE REPLACEMENT VEHICLE AND THE COVERAGE MAINTAINED BY THE PEER-TO-PEER CAR SHARING PROGRAM ON THE REPLACEMENT VEHICLE IS SECONDARY.

(B) NOTWITHSTANDING ANY PROVISION OF A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT TO THE CONTRARY, THE SECURITY REQUIRED UNDER THIS SECTION SHALL COVER THE SHARED VEHICLE OWNER AND EACH

PERSON DRIVING OR USING THE SHARED MOTOR VEHICLE WITH THE PERMISSION OF THE OWNER OR THE PEER-TO-PEER CAR SHARING PROGRAM.

18.5-103.

(A) A PEER-TO-PEER CAR SHARING PROGRAM MAY NOT ENTER INTO A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT WITH A DRIVER UNLESS THE DRIVER WHO WILL OPERATE THE SHARED MOTOR VEHICLE:

(1) HOLDS A DRIVER'S LICENSE ISSUED UNDER TITLE 16 OF THIS ARTICLE THAT AUTHORIZES THE DRIVER TO OPERATE VEHICLES OF THE CLASS OF THE SHARED MOTOR VEHICLE;

(2) IS A NONRESIDENT WHO:

(i) HAS A DRIVER'S LICENSE ISSUED BY THE STATE OR COUNTRY OF THE DRIVER'S RESIDENCE THAT AUTHORIZES THE DRIVER IN THAT STATE OR COUNTRY TO DRIVE VEHICLES OF THE CLASS OF THE SHARED MOTOR VEHICLE; AND

(ii) IS AT LEAST THE SAME AGE AS THAT REQUIRED OF A RESIDENT TO DRIVE; OR

(3) OTHERWISE IS SPECIFICALLY AUTHORIZED BY TITLE 16 OF THIS ARTICLE TO DRIVE VEHICLES OF THE CLASS OF THE SHARED MOTOR VEHICLE.

(B) A PEER-TO-PEER CAR SHARING PROGRAM SHALL KEEP A RECORD OF:

(Over)

(1) THE REGISTRATION NUMBER OF THE SHARED MOTOR VEHICLE;

(2) THE NAME AND ADDRESS OF THE SHARED VEHICLE DRIVER;

(3) THE NUMBER OF THE DRIVER'S LICENSE OF THE SHARED VEHICLE DRIVER AND EACH OTHER PERSON WHO WILL OPERATE THE SHARED MOTOR VEHICLE; AND

(4) THE DATE AND PLACE OF ISSUANCE OF THE DRIVER'S LICENSE.

(C) ANY POLICE OFFICER OR AUTHORIZED REPRESENTATIVE OF THE ADMINISTRATION MAY INSPECT THE RECORDS KEPT UNDER SUBSECTION (B) OF THIS SECTION.

18.5-104.

(A) IF THE PEER-TO-PEER CAR SHARING PROGRAM KNOWS THAT THE VEHICLE'S ODOMETER DOES NOT RECORD CORRECTLY ITS ACTUAL ACCUMULATED MILEAGE, A PEER-TO-PEER CAR SHARING PROGRAM MAY NOT, WITH INTENT TO DEFRAUD, ENTER INTO A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT WITH A SHARED VEHICLE DRIVER FOR WHICH ANY CHARGE IS BASED ON THE DISTANCE TRAVELED.

(B) A PEER-TO-PEER CAR SHARING PROGRAM MAY NOT OTHERWISE ENTER INTO A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT WITH A SHARED VEHICLE DRIVER FOR WHICH ANY CHARGE IS BASED ON THE DISTANCE TRAVELED AND DECEIVE THAT SHARED VEHICLE DRIVER AS TO THE DISTANCE

THAT THE SHARED MOTOR VEHICLE TRAVELED DURING THE CAR SHARING PERIOD.

(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

18.5-105.

A PERSON MAY NOT ALLOW A SHARED VEHICLE DRIVER, OR ANY OTHER INDIVIDUAL WHO WILL DRIVE A SHARED MOTOR VEHICLE, TO OPERATE THE SHARED MOTOR VEHICLE IF THE PERSON KNOWS THAT THE SHARED VEHICLE DRIVER, OR OTHER INDIVIDUAL, IS UNDER THE INFLUENCE OF ALCOHOL, IMPAIRED BY ALCOHOL, IMPAIRED BY A DRUG, A COMBINATION OF DRUGS, OR A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL, OR IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE.

18.5-106.

IN ACCORDANCE WITH § 5-408 OF THIS ARTICLE, A PEER-TO-PEER CAR SHARING PROGRAM MUST HAVE A CONCESSION FEE AGREEMENT WITH THE MARYLAND AVIATION ADMINISTRATION TO OPERATE AT AN AIRPORT IN THE STATE.

18.5-107.

(A) A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT SHALL STATE:

(Over)

(1) THE DAILY RATE, FEES, ANY INSURANCE COSTS, AND ANY PROTECTION PACKAGE COSTS THAT ARE CHARGED TO THE SHARED VEHICLE OWNER OR THE SHARED VEHICLE DRIVER; AND

(2) THE CAR SHARING PERIOD, AS DEFINED IN § 19-520 OF THE INSURANCE ARTICLE.

(B) A PEER-TO-PEER CAR SHARING PROGRAM MAY NOT CHARGE A SHARED VEHICLE DRIVER FOR THE USE OF A SHARED MOTOR VEHICLE AFTER THE CAR SHARING PERIOD.

(C) IN ADDITION TO ANY REMEDIES OTHERWISE AVAILABLE AT LAW, A VIOLATION OF THIS SECTION SHALL BE AN UNFAIR OR DECEPTIVE TRADE PRACTICE UNDER TITLE 13, SUBTITLE 3 OF THE COMMERCIAL LAW ARTICLE.

18.5-108.

(A) A PEER-TO-PEER CAR SHARING PROGRAM MAY CHARGE A SHARED VEHICLE DRIVER A SEPARATELY STATED FEE TO RECOVER THE FOLLOWING COSTS INCURRED BY THE PEER-TO-PEER CAR SHARING PROGRAM:

(1) ANY CONCESSION FEES PAID TO A GOVERNMENT-OWNED OR GOVERNMENT-OPERATED:

(I) AIRPORT; OR

(II) OTHER ENTITY; AND

(2) ANY OTHER FEE OR CHARGE IMPOSED BY A GOVERNMENTAL ENTITY.

(B) IF A PEER-TO-PEER CAR SHARING PROGRAM ADVERTISES THE RATE AVAILABLE FOR A SHARED MOTOR VEHICLE IN THE STATE, THE FEES AUTHORIZED UNDER THIS SECTION SHALL BE CLEARLY DISCLOSED IN THE ADVERTISEMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

18.5–109.

(A) AT THE TIME WHEN A VEHICLE OWNER REGISTERS AS A SHARED VEHICLE OWNER ON A PEER-TO-PEER CAR SHARING PROGRAM AND PRIOR TO THE TIME WHEN THE SHARED VEHICLE OWNER MAKES A SHARED MOTOR VEHICLE AVAILABLE FOR CAR SHARING ON THE PEER-TO-PEER CAR SHARING PROGRAM, THE PEER-TO-PEER CAR SHARING PROGRAM SHALL:

(1) VERIFY THAT THE SHARED MOTOR VEHICLE DOES NOT HAVE ANY SAFETY RECALLS ON THE VEHICLE FOR WHICH THE REPAIRS HAVE NOT BEEN MADE; AND

(2) NOTIFY THE SHARED VEHICLE OWNER OF THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.

(B) (1) IF THE SHARED VEHICLE OWNER HAS RECEIVED AN ACTUAL NOTICE OF A SAFETY RECALL ON THE MOTOR VEHICLE, A SHARED VEHICLE

(Over)

OWNER MAY NOT MAKE A MOTOR VEHICLE AVAILABLE AS A SHARED MOTOR VEHICLE ON A PEER-TO-PEER CAR SHARING PROGRAM UNTIL THE SAFETY RECALL REPAIR HAS BEEN MADE.

(2) IF A SHARED VEHICLE OWNER RECEIVES AN ACTUAL NOTICE OF A SAFETY RECALL ON A SHARED MOTOR VEHICLE WHILE THE SHARED MOTOR VEHICLE IS MADE AVAILABLE ON THE PEER-TO-PEER CAR SHARING PROGRAM, THE SHARED VEHICLE OWNER SHALL REMOVE THE SHARED MOTOR VEHICLE AS AVAILABLE ON THE PEER-TO-PEER CAR SHARING PROGRAM, AS SOON AS PRACTICABLY POSSIBLE BUT NO LATER THAN 72 HOURS AFTER RECEIVING THE NOTICE OF THE SAFETY RECALL AND UNTIL THE SAFETY RECALL REPAIR HAS BEEN MADE.

(3) IF A SHARED VEHICLE OWNER RECEIVES AN ACTUAL NOTICE OF A SAFETY RECALL WHILE THE SHARED MOTOR VEHICLE IS BEING USED IN THE POSSESSION OF A SHARED VEHICLE DRIVER, AS SOON AS PRACTICABLY POSSIBLE BUT NO LATER THAN 72 HOURS AFTER RECEIVING THE NOTICE OF THE SAFETY RECALL, THE SHARED VEHICLE OWNER SHALL NOTIFY BOTH THE SHARED VEHICLE DRIVER AND THE PEER-TO-PEER CAR SHARING PROGRAM ABOUT THE SAFETY RECALL SO THAT THE SHARED VEHICLE OWNER MAY ADDRESS THE SAFETY RECALL REPAIR.

18.5-110.

(A) AT THE TIME WHEN A VEHICLE OWNER REGISTERS AS A SHARED VEHICLE OWNER ON A PEER-TO-PEER CAR SHARING PROGRAM AND PRIOR TO THE TIME WHEN THE SHARED VEHICLE OWNER MAKES A SHARED MOTOR VEHICLE AVAILABLE FOR CAR SHARING ON THE PEER-TO-PEER CAR SHARING PROGRAM, THE PEER-TO-PEER CAR SHARING PROGRAM SHALL:

(1) VERIFY THE AGE OF THE SHARED MOTOR VEHICLE;

(2) REQUEST THE SHARED VEHICLE OWNER TO PROVIDE THE DATE OF THE LAST STATE INSPECTION, OR IF THE DATE IS UNKNOWN, THE GENERAL TIME PERIOD OF THE LAST STATE INSPECTION;

(3) DISCLOSE IN THE DESCRIPTION OF THE SHARED MOTOR VEHICLE ON THE PEER-TO-PEER CAR SHARING PROGRAM'S WEBSITE THE INFORMATION PROVIDED UNDER ITEM (2) OF THIS SUBSECTION SO THAT POTENTIAL SHARED VEHICLE DRIVERS ARE AWARE OF THE LAST STATE INSPECTION DATE BEFORE THEY ENTER INTO A PEER-TO-PEER CAR SHARING PROGRAM AGREEMENT; AND

(4) NOTIFY THE SHARED VEHICLE OWNER OF THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.

(B) (1) A SHARED VEHICLE OWNER MAY NOT MAKE A MOTOR VEHICLE AVAILABLE AS A SHARED MOTOR VEHICLE ON A PEER-TO-PEER CAR SHARING PROGRAM IF THE MOTOR VEHICLE IS OLDER THAN 10 YEARS UNLESS THE SHARED VEHICLE OWNER HAS OBTAINED A VALID STATE INSPECTION CERTIFICATE FOR THE MOTOR VEHICLE NO EARLIER THAN 90 DAYS BEFORE MAKING THE SHARED MOTOR VEHICLE AVAILABLE AS A SHARED MOTOR VEHICLE.

(2) IF A SHARED VEHICLE OWNER HAS OBTAINED A VALID STATE INSPECTION CERTIFICATE FOR A MOTOR VEHICLE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SHARED VEHICLE OWNER SHALL OBTAIN ANOTHER VALID STATE INSPECTION CERTIFICATE AT LEAST ONCE FOR EVERY 10,000 MILES

(Over)

ADDED TO THE VEHICLE’S ODOMETER SINCE THE ISSUANCE OF THE PRIOR STATE INSPECTION CERTIFICATE”;

before line 6, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 31, 2019, the Consumer Protection Division of the Office of the Attorney General shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, on the number and nature of complaints received relating to peer-to-peer car sharing programs, including complaints regarding the safety of shared motor vehicles.

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 31, 2019:

(1) the Motor Vehicle Administration shall:

(i) identify and compile information that could assist the General Assembly in determining a fair and equitable State taxation on sales and charges made in connection with a shared motor vehicle used for peer-to-peer car sharing and made available on a peer-to-peer car sharing program;

(ii) in identifying and compiling information under item (i) of this item, consider:

1. a comparison of taxation and other governmental fees in the State:

A. relating to short-term vehicle rentals, including exemption from excise titling tax at the time of purchase of rental vehicles, reduced certificate of title fees at time of purchase of rental vehicles, reduced vehicle registration

fees at time of purchase of rental vehicles, and reduced vehicle registration fees for biennial renewal of vehicle registrations; with

B. relating to peer-to-peer car sharing, including excise titling tax at the time of purchase of shared motor vehicles by shared vehicle owners, certificate of title fees at the time of purchase of shared motor vehicles by shared vehicle owners, vehicle registration fees at the time of purchase of shared motor vehicles by shared vehicle owners, and vehicle registration fees for biennial renewal of vehicle registrations;

2. a comparison of taxation and other governmental fees relating to short-term vehicle rentals and peer-to-peer car sharing in other states;

3. a trend of the taxation and other governmental fees collected by the Administration on short-term vehicle rentals in the State;

4. any other information that the Administration determines relevant to identifying and compiling information that could assist the General Assembly in making the determination described in item (i) of this item; and

(iii) report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1246 of the State Government Article, on its findings and recommendations; and

(2) the Comptroller shall:

(i) identify and compile information that could assist the General Assembly in determining a fair and equitable State taxation on sales and charges made in connection with a shared motor vehicle used for peer-to-peer car sharing and made available on a peer-to-peer car sharing program;

(Over)

(ii) in identifying and compiling information under item (i) of this item, consider:

1. a comparison of taxation and other governmental fees in the State:

A. relating to short-term vehicle rentals, including income tax on rental car companies and sales tax on renters; with

B. relating to peer-to-peer car sharing, including income tax on peer-to-peer car sharing programs and shared vehicle owners and sales tax on shared vehicle drivers;

2. sales taxes imposed in other states on short-term vehicle rentals and on peer-to-peer car sharing, including whether they impose as a percentage of sales or on a flat per day basis that, for comparison purposes, can be equated to a percentage of sales and the sales and charges that are included as a taxable price for the sales tax in other states;

3. whether a different taxation percentage on sales of short-term vehicle rentals than is on sales of peer-to-peer car sharing could be based on differences in the current government taxes and fees paid by each;

4. a comparison of taxation and other governmental fees relating to short-term vehicle rentals and peer-to-peer car sharing in other states;

5. a trend of the taxation and other governmental fees collected by the Comptroller on short-term vehicle rentals and peer-to-peer car sharing in the State; and

6. any other information that the Comptroller determines relevant to the identification and compilation of information that could assist the General Assembly in making a determination described under item (i) of this item; and

(iii) report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1246 of the State Government Article, on its findings and recommendations.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect January 1, 2019.”;

in line 6, strike “2.” and substitute “7.”; in the same line, after “That” insert “, except as provided in Section 6 of this Act.”; and in line 7, strike “October” and substitute “July”.