



EHI OPPOSITION of HB 869

Sales and Use Tax and Vehicle Excise
Taxes – Peer-to-Peer Car Sharing and
Short-Term Vehicle Rentals – Alterations
and Distribution

Ways and Means Committee

February 18, 2021

BACKGROUND

2018 Maryland General Assembly: Peer-to-Peer Legislation

- Legislation passed to regulate peer-to-peer car sharing platforms **in nearly identical fashion to incumbent rental car companies.**
- The primary focus of the 2018 legislation was to ensure the protection and safety of consumers renting vehicles from P2P companies as well as third parties affected by P2P car rentals.



CH 852 of 2018 (P2P Car Rental Statutory Provisions)

PARITY

- P2P Insurance Provisions → **PARITY with existing rental car requirements**
- P2P Licensing → **PARITY with existing rental car requirements**
- P2P Disclosures → **PARITY with existing rental car requirements**
- P2P Consumer Protections → **PARITY with existing rental car requirements**
- P2P General Prohibitions → **PARITY with existing rental car requirements**
- P2P Airport Concessions → **PARITY with existing rental car requirements**
- P2P Regulatory Oversight → **PARITY with existing rental car requirements**

NO PARITY

- P2P Sales and Use Tax → **NO PARITY with existing rental car tax**

ISSUE

Current Maryland law does not tax the similar commercial activity of renting/sharing a vehicle equally.

Inequality in Tax Rates

Sales and Use Rate on **Incumbent Rental Car** Transactions:

11.5%

On consumer transactions for **passenger car rental**

8%

On consumer transactions for **truck rental**

Vs.

Sales and Use Rate on **Peer-to-Peer Car** Transactions:

8%

On **all consumer transactions**, for all rentals regardless of the type of vehicle*

**This provision sunsets June 30, 2021*

PROPOSED SOLUTION

Equalize the Sales and Use Tax rates for businesses engaged in the same commercial activity



Why?



1

Purpose

2

Precedent

3

Fairness

4

Revenue

PURPOSE

Sales and Use tax is a consumption tax.

1.

Purpose

2.

Precedent

3.

Fairness

4.

Revenue

MARYLAND'S SALES AND USE TAX IS:

- ✓ **A tax paid directly by the consumer.**
- ✓ *A tax on the consumption of goods and services.*
- ✓ *A tax based on the commercial transaction.*
- ✓ **A tax that treats similar goods and similar services equally (ensuring fairness within industries).**
- ✓ *A tax collected by the vendor and remitted to the State.*

MARYLAND'S SALES AND USE TAX IS NOT:

- ✗ **A tax based on how long a business has been in existence.**
- ✗ *A tax based on where the business is located (in or out of state).*
- ✗ *A tax based on whether the goods or services are purchased online or in person.*
- ✗ *A tax based on how big or small the business providing goods or services is.*
- ✗ **A tax based on how other taxes are applied.**

PRECEDENT

Asked and answered by the General Assembly.



Home-Sharing Rentals

Transactions with home-sharing rental platforms **are taxed at the same rate** as transactions on hotels (Ch. 758 of 2019).



Online vs. In-Person

Transactions for similar goods and services **are taxed at the same rate** whether occurring online or in-person, in state or out of state (marketplace facilitators).



Cost of Acquisition

Transactions for similar goods and services **are taxed at the same rate** regardless of the cost to acquire/manufacture the good (including the tax on materials) or the prior use of the good.



FAIRNESS

Maryland's incumbent rental car business model operates at a competitive disadvantage.

- 1 Purpose
- 2 Precedent
- 3 **Fairness**
- 4 Revenue

- **When competing for the same consumer looking to rent a vehicle in Maryland, P2P companies should not be afforded the clear economic advantage of a lower Sales and Use Rate.**
 - The consumer will always search for the best deal.
- **P2P companies are just a new business model for delivering rental cars to consumers.**
 - Incumbent rental car companies provide on-line, app-based car rental too.
- **P2P platforms rent vehicles from every kind of owner.**
 - Not just privately owned vehicles, but fleets from body shops, dealers, traditional car rental companies, and "power hosts."
- **Proliferation and growth of P2P Rentals, which now includes insurance companies and vehicle manufacturers.**
 - This is not David vs. Goliath (See next 5 slides).

P2P RENTAL COMPANIES



The screenshot shows a web browser window displaying the TURO website. The browser's address bar contains the URL: https://turo.com/?utm_source=bing&utm_medium=cpc&utm_campaign=bs:brand:root:usa:d+379435587&utm_term=root:exact+kwd-76691087320952:loc-190+. The TURO logo is in the top left corner of the page. The main navigation menu includes links for "List your car", "Learn more", "Sign up", and "Log in". The background of the page is a scenic view of a winding road through a hilly, wooded area with a white SUV driving on it. The main headline reads "Way better than a rental car" in a large, white, serif font, with the sub-headline "Book unforgettable cars from trusted hosts around the world" below it. A search bar is positioned in the center, containing three input fields: "Where" with the placeholder "City, airport, address, or hotel", "From" with the date "01/22/2020" and time "10:00 AM", and "Until" with the date "01/25/2020" and time "10:00 AM". A green search icon is on the right side of the search bar. Below the search bar, there is a white box with the text "INSURANCE PROVIDER" and the Liberty Mutual Insurance logo. The Windows taskbar is visible at the bottom of the screen, showing the search bar with "Type here to search", several application icons, and the system tray with the time "4:21 PM" and date "1/20/2020".



P2P RENTAL COMPANIES

A screenshot of a web browser displaying the Getaround website. The browser's address bar shows the URL https://www.getaround.com/. The page features a main heading "Rent cars near you" in purple, followed by the text "Convenient hourly and daily rentals. Insurance included." Below this, there are six car categories, each with a representative image and a label: "Sedan / Coupe" (red car), "SUV / Jeep" (blue SUV), "Hatchback / Wagon" (white hatchback), "Sedan / Coupe" (white convertible), "SUV / Jeep" (silver SUV), and "Pickup" (grey pickup truck). At the bottom of the page, a purple banner contains the text "Own a car? Share on Getaround and earn \$1000s." and a "Start earning" button. The Windows taskbar is visible at the bottom of the screenshot, showing the search bar and several application icons.

Rent cars near you

Convenient hourly and daily rentals. Insurance included.



Sedan / Coupe



SUV / Jeep



Hatchback / Wagon



Own a car?

Share on Getaround and earn \$1000s.

Start earning



P2P RENTAL COMPANIES (INSURANCE INDUSTRY ENTRANT)

https://flarecar.com/

Flare

flare
protected by Allstate

About Us How it Works Contact Us FAQs

Get back on the road

Flare, protected by Allstate, is the cost-effective, hassle-free way to get you behind the wheel again. Flare will deliver a replacement vehicle of your choice directly to you, while your repair shop is at work. Together, Flare and Allstate have your back.

[Book Now](#)

Type here to search

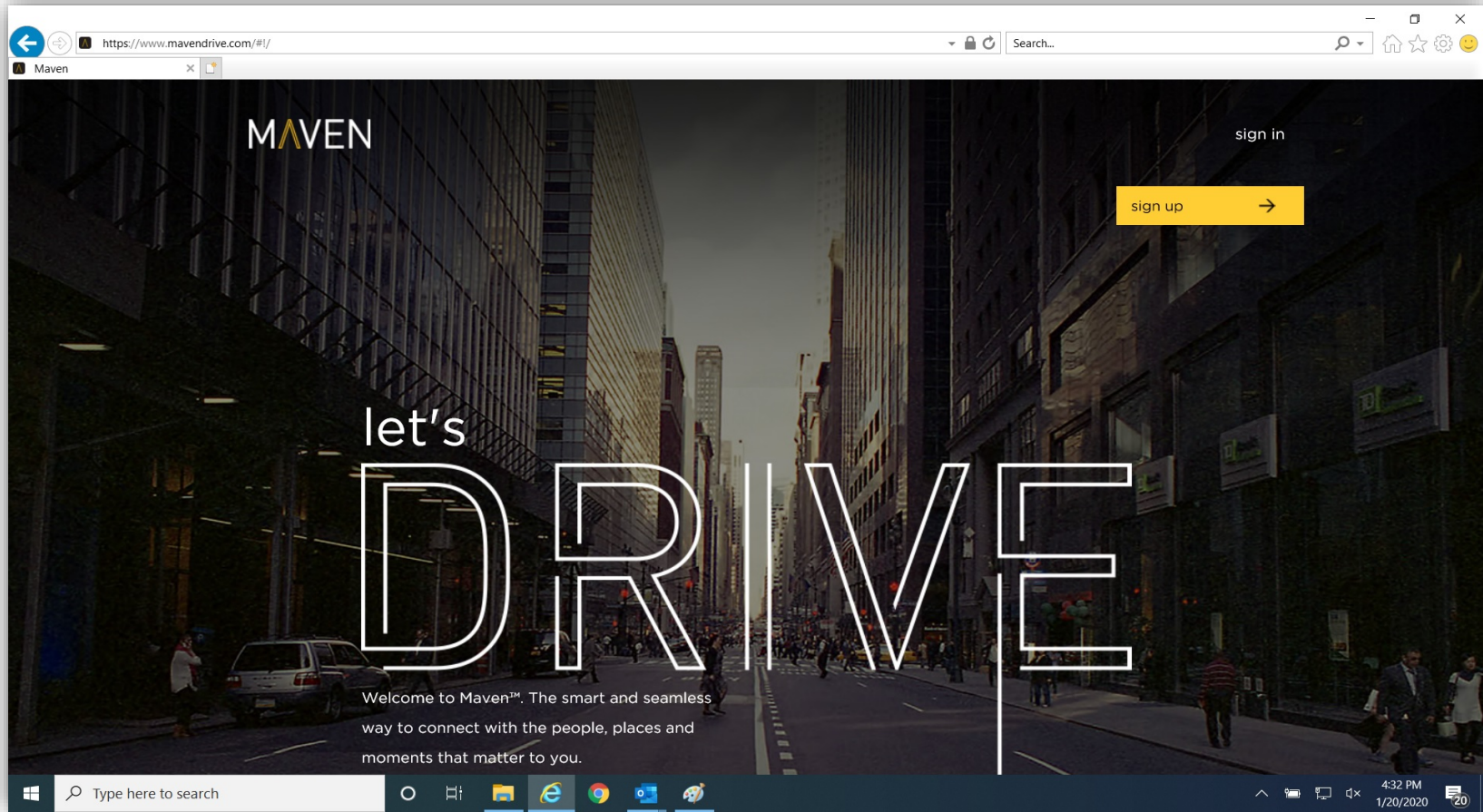
4:34 PM
1/20/2020

P2P RENTAL COMPANIES (INSURANCE INDUSTRY ENTRANT)



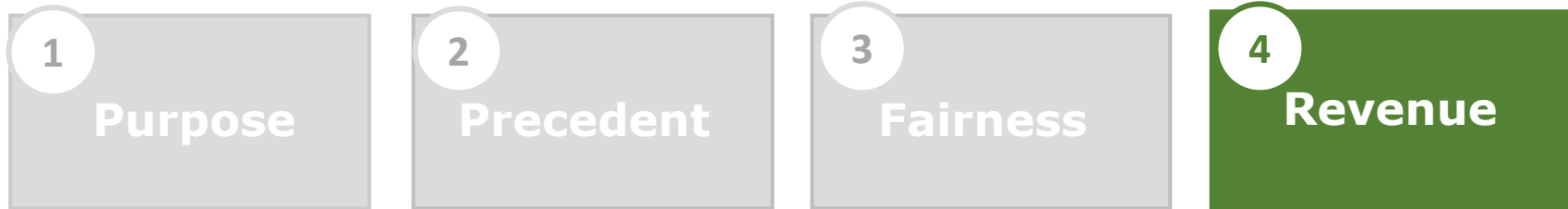
A screenshot of a web browser displaying the Avail website. The browser's address bar shows the URL 'https://availcarsharing.com/protected-by-allstate'. The website's navigation menu includes 'Borrow a Car', 'Park & Share', and 'Insurance by Allstate', with the latter being the active page. The Avail logo, 'protected by Allstate', is in the top right. The main content area has a heading 'Protected By Allstate' and a sub-heading 'Your car is protected by Allstate'. Below this, there is a paragraph explaining the insurance policy. The page is divided into two columns. The left column is titled 'How it works' and contains two bullet points about coverage at airports and apartment buildings, followed by a 'Keep in mind' note. The right column is titled 'Accident-related replacement and repairs' and contains two bullet points about coverage for owners and drivers. Below these columns, the heading 'Non-accident related replacement and repairs' is visible, followed by a paragraph. The Windows taskbar is visible at the bottom of the screenshot, showing the search bar and several application icons. The system tray in the bottom right corner shows the time as 4:37 PM and the date as 1/20/2020.

P2P RENTAL COMPANIES (VEHICLE MANUFACTURER ENTRANT)



REVENUE

Maryland collects a substantial amount of revenue annually from the Sales and Use tax on short-term rentals.



In FY'19, Maryland collected approximately \$76 million from rental car Sales and Use tax revenue.

- TTF (45%)
- Chesapeake and Atlantic Coastal Bays Trust Fund

Maryland should not pick winners and losers in the same industry .

- **P2P rental companies continue to grow.**
- **P2P companies and incumbent rental companies compete for the same customers in the marketplace.**
- **P2P companies should no longer be afforded a competitive pricing advantage.**

Our Suggested Approach for Parity

1. Equalize the sales tax.

- Whether at 8% or 11.5%, the sales tax on the consumer transactions should be the same, regardless of where the consumer obtains the use of a vehicle for a short duration.
 - **NOTE: The Proponents of this legislation agree that sales tax parity should be equal!**

2. Provide Vendor Sales Tax Credit.

- Should Maryland want to help individual owners of up to 4 vehicles, the state should provide them with a vendor sales tax credit for every transaction.

3. Apply The excise tax exemption for all “fleet” owners.

- Owners of 5 vehicles or more that purchase the vehicles exclusively for commercial use on a peer-to-peer platform may receive the excise tax exemption.