

2023 -- S 0001

LC000177

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO INSURANCE -- PEER-TO-PEER CAR SHARING PROGRAM

Introduced By: Senators Ruggerio, Goodwin, Gallo, DiPalma, LaMountain, Tikoian, and
McKenney

Date Introduced: January 10, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 27-8.3-2 of the General Laws in Chapter 27-8.3 entitled "Peer-To-
2 Peer Car Sharing Program [Effective April 1, 2023.]" is hereby repealed.

3 ~~**27-8.3-2. Applicability. [Effective April 1, 2023.]**~~

4 ~~The provisions of this chapter apply notwithstanding any law, rule, or regulation to the~~
5 ~~contrary. Where any provision of this chapter conflicts with any other provision of law, the~~
6 ~~provisions of this chapter shall supersede any such conflicting or contradictory provision.~~

7 SECTION 2. Section 27-8.3-3 of the General Laws in Chapter 27-8.3 entitled "Peer-To-
8 Peer Car Sharing Program [Effective April 1, 2023.]" is hereby amended to read as follows:

9 **27-8.3-3. Definitions. [Effective April 1, 2023.]**

10 (a) Except as otherwise provided, the following definitions apply throughout this chapter:

11 (1) "Car sharing delivery period" means the period of time during which a shared vehicle
12 is being delivered to the location of the car sharing start time, if applicable, as documented by the
13 governing car sharing program agreement.

14 (2) "Car sharing period" means the period of time that commences with the car sharing
15 delivery period or, if there is no car sharing delivery period, that commences with the car sharing
16 start time and in either case ends at the car sharing termination time.

17 (3) "Car sharing program agreement" means the terms and conditions applicable to a shared
18 vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a peer-
19 to-peer car sharing program. "Car sharing program agreement" does not mean a rental car

1 agreement, issued by a motor vehicle rental company as defined in § 31-34.1-1.

2 (4) “Car sharing start time” means the time when the shared vehicle becomes subject to the
3 control of the shared vehicle driver at or after the time the reservation of a shared vehicle is
4 scheduled to begin as documented in the records of a peer-to-peer car sharing program.

5 (5) “Car sharing termination time” means the earliest of the following events:

6 (i) The expiration of the agreed upon period of time established for the use of a shared
7 vehicle according to the terms of the car sharing program agreement if the shared vehicle is
8 delivered to the location agreed upon in the car sharing program agreement;

9 (ii) When the shared vehicle is returned to a location as alternatively agreed upon by the
10 shared vehicle owner and shared vehicle driver as communicated through a peer-to-peer car sharing
11 program, which alternatively agreed upon location shall be incorporated into the car sharing
12 program agreement; or

13 (iii) When the shared vehicle owner or the shared vehicle owner’s authorized designee,
14 takes possession and control of the shared vehicle.

15 (6) “Peer-to-peer car sharing” means the authorized use of a vehicle by an individual other
16 than the vehicle’s owner through a peer-to-peer car sharing program. “Peer-to-peer car sharing”
17 does not mean rental car or rental activity as described in chapter 34.1 of title 31.

18 (7) “Peer-to-peer car sharing program” means a business platform that connects vehicle
19 owners with drivers to enable the sharing of vehicles for financial consideration. “Peer-to-peer car
20 sharing program” does not mean a rental car company as defined in § 31-34.1-1.

21 (8) “Shared vehicle” means a vehicle that is available for sharing through a peer-to-peer
22 car sharing program. “Shared vehicle” does not mean a rental car or rental vehicle as described in
23 § 31-34.1-1(4).

24 (9) “Shared vehicle driver” means an individual who has been authorized to drive the
25 shared vehicle by the shared vehicle owner under a car sharing program agreement.

26 (10) “Shared vehicle owner” means the registered owner, or a person or entity designated
27 by the registered owner, of a vehicle made available for sharing to shared vehicle drivers through
28 a peer-to-peer car sharing program. Shared vehicle owner does not mean “rental company” as
29 defined in § 31-34.1-1(4).

30 (b) "Peer-to-peer car sharing", "peer-to-peer car sharing program" and "car sharing
31 program agreement" as defined in this section are not considered rental vehicle activity under § 31-
32 34.1 et seq.; provided that, a shared vehicle owner does not share more than five (5) vehicles
33 through one or more peer-to-peer car sharing programs in one calendar year pursuant to § 31-5-33.

34 SECTION 3. Chapter 27-8.3 of the General Laws entitled "Peer-To-Peer Car Sharing

1 Program [Effective April 1, 2023.] is hereby amended by adding thereto the following section:

2 **27-8.3-15. Shared vehicle owner certification requirements.**

3 (a) A peer-to-peer vehicle sharing program shall require all shared vehicle owners to certify
4 to the peer-to-peer sharing program whether the shared vehicle owner or any affiliate or subsidiary
5 has registered more than five (5) different shared vehicles on any combination of platforms at any
6 one time.

7 (b) A shared vehicle owner is under a continuing obligation to immediately notify all peer-
8 to-peer car sharing programs upon which they have vehicles registered, if the registration of a
9 shared vehicle on a platform will cause the shared vehicle owner to exceed five (5) or more different
10 shared vehicles registered on any combination of peer-to-peer vehicle sharing programs at any one
11 time. Such notification shall occur prior to sharing any additional shared vehicles on any platforms,
12 not including those already subject to a vehicle sharing program agreement at the time the
13 additional vehicle is registered with the program by the shared vehicle owner.

14 (c) Failure by the shared vehicle owner to immediately notify any program shall subject
15 the shared vehicle owner to payment of the taxes due and applicable penalties.

16 (d) Any affirmation or notification by the shared vehicle owner of the required
17 certifications shall require the peer-to-peer vehicle sharing program to collect any and all applicable
18 taxes.

19 SECTION 4. This act shall take effect on April 1, 2023.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO INSURANCE -- PEER-TO-PEER CAR SHARING PROGRAM

1 This act would provide that peer-to-peer car sharing, peer-to-peer car sharing programs,
2 and peer-to-peer car sharing program agreements are not considered rental vehicles subject to a
3 rental vehicle surcharge under chapter 31-34.1 provided the shared vehicle owner shares no more
4 than five (5) vehicles in a calendar year.

5 This act would take effect on April 1, 2023.

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