

HOUSE COMMITTEE OF REFERENCE REPORT

March 27, 2019

Chair of Committee

Date

Committee on Transportation & Local Government.

After consideration on the merits, the Committee recommends the following:

SB19-090 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 4, strike lines 14 through 18 and substitute:

2 "(11) "SHARING TERMINATION TIME" MEANS THE EARLIEST OF THE
3 FOLLOWING EVENTS:".

4 Page 4, line 19, strike "(I)" and substitute "(a)".

5 Page 4, strike lines 21 through 24 and substitute "AGREEMENT IF THE
6 SHARED CAR IS DELIVERED TO THE LOCATION AGREED UPON IN THE
7 AGREEMENT;

8 (b) WHEN THE SHARED CAR IS RETURNED TO AN ALTERNATIVE
9 LOCATION AS AGREED UPON BY THE SHARED CAR OWNER AND SHARED CAR
10 DRIVER AS COMMUNICATED THROUGH A CAR SHARING PROGRAM; OR".

11 Page 4, line 25, strike "(III)" and substitute "(c)".

12 Page 5, strike line 1 and substitute:

13 **"6-1-1203. Insurance coverage during car sharing period.**

14 (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, A
15 CAR SHARING PROGRAM SHALL ASSUME THE LIABILITY OF A SHARED CAR
16 OWNER FOR ANY BODILY INJURY OR PROPERTY DAMAGE TO THIRD PARTIES,
17 OR UNINSURED AND UNDERINSURED MOTORIST OR PERSONAL INJURY
18 PROTECTION LOSSES, DURING THE SHARING PERIOD UP TO AN AMOUNT

1 STATED IN THE CAR SHARING AGREEMENT, BUT NOT LESS THAN THE
2 MINIMUM AMOUNT OF FINANCIAL RESPONSIBILITY REQUIRED BY ARTICLE
3 7 OF TITLE 42.

4 (b) THE ASSUMPTION OF LIABILITY UNDER SUBSECTION (1)(a) OF
5 THIS SECTION DOES NOT APPLY TO A SHARED CAR OWNER IF:

6 (I) THE SHARED CAR OWNER MAKES AN INTENTIONAL OR
7 FRAUDULENT MATERIAL MISREPRESENTATION TO OR OMISSION TO THE CAR
8 SHARING PROGRAM BEFORE THE SHARING PERIOD WHEN THE LOSS
9 OCCURRED; OR

10 (II) THE SHARED CAR OWNER ACTS IN CONCERT WITH A SHARED
11 CAR DRIVER WHO FAILS TO RETURN THE SHARED CAR IN ACCORDANCE
12 WITH THE CAR SHARING AGREEMENT.

13 (c) NOTWITHSTANDING SUBSECTION (1)(b) OF THIS SECTION, THE
14 DEFINITION OF "SHARING TERMINATION TIME" IN SECTION 6-1-1202 (11),
15 OR THE AMOUNT OF LIABILITY COVERAGE STATED IN THE CAR SHARING
16 AGREEMENT, THE ASSUMPTION OF LIABILITY UNDER SUBSECTION (1)(a) OF
17 THIS SECTION IN THE AMOUNT REQUIRED BY ARTICLE 7 OF TITLE 42
18 APPLIES TO ANY BODILY INJURY OR PROPERTY DAMAGE SUFFERED BY
19 INNOCENT THIRD PARTIES FOR INJURIES OR LOSSES DURING THE SHARING
20 PERIOD.

21 (2) A".

22 Renumber succeeding subsections accordingly.

23 Page 5, strike lines 3 through 6 and substitute: " PERIOD, THE SHARED CAR
24 OWNER AND THE SHARED CAR DRIVER ARE INSURED UNDER AN
25 AUTOMOBILE LIABILITY INSURANCE POLICY THAT:

26 (a) (I) RECOGNIZES THAT THE SHARED CAR INSURED UNDER THE
27 POLICY IS MADE AVAILABLE THROUGH AND USED THROUGH A CAR
28 SHARING PROGRAM; OR

29 (II) DOES NOT EXCLUDE USE OF A SHARED CAR BY A SHARED CAR
30 DRIVER; AND".

31 Page 5, strike lines 14 through 18 and substitute:

32 "(3) THE FINANCIAL RESPONSIBILITY REQUIRED IN SUBSECTION (2)
33 OF THIS SECTION MAY BE SATISFIED BY AUTOMOBILE LIABILITY INSURANCE
34 THAT IS MAINTAINED BY ANY ONE OR A COMBINATION OF THE
35 FOLLOWING:".

36 Page 5, strike lines 22 and 23 and substitute:

1 "(4) THE INSURANCE DESCRIBED IN SUBSECTION (3) OF THIS
2 SECTION THAT SATISFIES THE INSURANCE REQUIREMENT IN SUBSECTION
3 (2)".

4 Page 5, strike line 25 and substitute:

5 "(5) (a) IF THE INSURANCE THAT COMPLIES WITH SUBSECTION (2)
6 OF".

7 Page 6, line 5, strike "(4)" and substitute "(5)".

8 Page 7, strike lines 11 through 26 and substitute "**liability insurance**
9 **policy - indemnification.** (1) AN AUTHORIZED INSURER MAY EXCLUDE
10 COVERAGE AND THE".

11 Renumber succeeding subsection accordingly.

12 Page 9, line 24, after "**interest.**" insert "(1)".

13 Page 10, after line 3 insert:

14 "(2) A CAR SHARING PROGRAM MAY OWN AND MAINTAIN, AS THE
15 NAMED INSURED, ONE OR MORE POLICIES OF AUTOMOBILE LIABILITY
16 INSURANCE THAT PROVIDE COVERAGE IN THE AMOUNT OF, IN EXCESS OF,
17 OR OPTIONAL TO THE AMOUNT OF COVERAGE REQUIRED IN THIS PART 12.
18 THE COVERAGE MAY INCLUDE COVERAGE FOR:

19 (a) LIABILITY ASSUMED BY THE CAR SHARING PROGRAM UNDER A
20 CAR SHARING AGREEMENT;

21 (b) THE LIABILITY OF THE SHARED CAR OWNER;

22 (c) DAMAGE OR LOSS TO THE SHARED CAR; OR

23 (d) THE LIABILITY OF THE SHARED CAR DRIVER."

24 Page 11, line 7, strike "AND".

25 Page 11, line 9, strike "CAR." and substitute "CAR; AND

26 (j) DISCLOSE TO THE SHARED CAR DRIVER ANY CONDITIONS IN
27 WHICH THE SHARED CAR DRIVER IS REQUIRED TO MAINTAIN A PERSONAL
28 AUTOMOBILE LIABILITY POLICY AS THE PRIMARY COVERAGE FOR THE
29 SHARED CAR IN ORDER TO DRIVE A SHARED CAR."

30 Page 11, strike lines 23 through 27.

1 Page 12, strike lines 1 through 8 and substitute:

2 "6-1-1212. **Shared car equipment.** A CAR SHARING PROGRAM IS
3 RESPONSIBLE FOR ANY".

4 Page 13, strike lines 13 through 27 and substitute:

5 "6-1-1214. **Enabling operation at airport.** (1) A CAR SHARING
6 PROGRAM SHALL ENTER INTO AN AIRPORT CONCESSION AGREEMENT
7 BEFORE ENABLING CAR SHARING AT THE AIRPORT, UNLESS THE AIRPORT
8 EXPLICITLY AND IN WRITING WAIVES THE RIGHT TO REQUIRE AN
9 AGREEMENT.

10 (2) A CAR SHARING PROGRAM IS ENABLING CAR SHARING AT AN
11 AIRPORT IF THE CAR SHARING PROGRAM OR A SHARED CAR OWNER USES
12 THE CAR SHARING PROGRAM TO:

13 (a) LIST VEHICLES PARKED ON AIRPORT PROPERTY OR AT AIRPORT
14 FACILITIES;

15 (b) CONTRACT FOR TRANSPORTATION TO OR FROM AIRPORT
16 FACILITIES;

17 (c) FACILITATE THE USE OF A SHARED CAR TO TRANSPORT AIRPORT
18 PASSENGERS ON OR OFF OF AIRPORT PROPERTY; OR

19 (d) PROMOTE OR MARKET A SHARED CAR TO TRANSPORT AIRPORT
20 PASSENGERS ON OR OFF OF AIRPORT PROPERTY.

21 (3) AN AIRPORT CONCESSION AGREEMENT MAY IMPOSE THE TAXES
22 AND FEES THAT ARE IMPOSED ON OTHER CONCESSIONAIRES OPERATING AT
23 THE AIRPORT.

24 (4) IF A CAR SHARING PROGRAM FAILS TO OR REFUSES TO ENTER
25 INTO AN AIRPORT CONCESSION AGREEMENT, THE AFFECTED AIRPORT MAY
26 SEEK AN INJUNCTION PROHIBITING THE CAR SHARING PROGRAM FROM
27 OPERATING AT THE AIRPORT AND MAY SEEK DAMAGES AND PUNITIVE
28 DAMAGES AGAINST THE CAR SHARING PROGRAM."

29 Page 14, strike lines 1 through 17 and substitute:

30 "SECTION 2. **Act subject to petition - effective date.** This act
31 takes effect January 1, 2020; except that, if a referendum petition is filed
32 pursuant to section 1 (3) of article V of the state constitution against this
33 act or an item, section, or part of this act within the ninety-day period
34 after final adjournment of the general assembly, then the act, item,
35 section, or part will not take effect unless approved by the people at the

1 general election to be held in November 2020 and, in such case, will take
2 effect on the date of the official declaration of the vote thereon by the
3 governor."

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