

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 19-0683.02 Jery Payne x2157

SENATE BILL 19-090

SENATE SPONSORSHIP

Scott, Donovan, Gardner, Hill, Lundeen, Priola, Rankin, Tate, Woodward

HOUSE SPONSORSHIP

Gray,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE OPERATION OF PEER-TO-PEER MOTOR VEHICLE**
102 **SHARING BUSINESSES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill regulates peer-to-peer car sharing programs, including the following:

- ! Requires the shared car to be covered by insurance from the owner, driver, or program;
- ! Makes the insurance that satisfies the required coverage the primary insurance;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
February 26, 2019

SENATE
Amended 2nd Reading
February 25, 2019

- ! Requires the car sharing program to notify the car owner that sharing the car may violate any lien on the car;
- ! Authorizes the shared car owner's insurer to exclude coverage when the car is being used in a car sharing program, and gives the insurer a right of contribution for any claims made as a result of the car sharing;
- ! Prohibits an insurer from refusing to insure a shared car outside the sharing solely because the car covered under the policy has been made available for car sharing unless the car owner fails to provide complete and accurate information;
- ! Sets record-keeping requirements;
- ! Clarifies that the car sharing program and a shared car owner are covered by the exemption set forth in federal law exempting rental companies from vicarious liability based on ownership of the car;
- ! Authorizes a car sharing program to be the named insured for a shared car;
- ! Requires the program to make certain disclosures and provide an emergency telephone number;
- ! Requires the program to verify that the driver is licensed to drive and keep records of this verification;
- ! Makes the program responsible for any equipment installed on the car for sharing purposes; and
- ! Requires the program and the car owner, when there is a safety recall on the car, to remove the car from the program until the car is repaired.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 12 to article
 3 1 of title 6 as follows:

4 **PART 12**

5 **PEER-TO-PEER CAR SHARING ACT**

6 **6-1-1201. Short title.** THE SHORT TITLE OF THIS PART 12 IS THE
 7 "COLORADO PEER-TO-PEER CAR SHARING ACT".

8 **6-1-1202. Definitions.** AS USED IN THIS PART 12, UNLESS THE
 9 CONTEXT OTHERWISE REQUIRES:

10 (1) "CAR" MEANS A MOTOR VEHICLE AS DEFINED IN SECTION

1 42-1-102 (58).

2 (2) "CAR SHARING" MEANS THE AUTHORIZED USE OF A SHARED
3 CAR BY PERSONS OTHER THAN THE SHARED CAR'S OWNER, FACILITATED BY
4 A CAR SHARING PROGRAM.

5 (3) (a) "CAR SHARING AGREEMENT" MEANS THE TERMS AND
6 CONDITIONS THAT APPLY TO A SHARED CAR OWNER AND A SHARED CAR
7 DRIVER AND THAT GOVERN THE USE OF A SHARED CAR.

8 (b) "CAR SHARING AGREEMENT" EXCLUDES A RENTAL AGREEMENT
9 AS DEFINED IN SECTION 6-1-201.

10 (4) (a) "CAR SHARING PROGRAM" MEANS A PERSON THAT IS IN THE
11 BUSINESS OF OPERATING AN ONLINE PLATFORM TO CONNECT THIRD-PARTY
12 VEHICLE OWNERS WITH THIRD-PARTY VEHICLE DRIVERS TO ENABLE
13 PEER-TO-PEER CAR SHARING WITHIN COLORADO.

14 (b) "CAR SHARING PROGRAM" EXCLUDES:

15 (I) THE REGISTERED OWNER OF THE CAR INVOLVED IN CAR
16 SHARING FACILITATED BY A CAR SHARING PROGRAM; AND

17 (II) A LESSOR AS DEFINED IN SECTION 6-1-201.

18 (5) "DELIVERY PERIOD" MEANS THE TIME WHEN A SHARED CAR IS
19 BEING DELIVERED TO THE LOCATION OF THE CAR SHARING START TIME, AS
20 DOCUMENTED BY THE GOVERNING CAR SHARING AGREEMENT.

21 (6) (a) "SHARED CAR" MEANS A MOTOR VEHICLE THAT IS
22 AVAILABLE FOR SHARING THROUGH A CAR SHARING PROGRAM BUT IS NOT
23 USED EXCLUSIVELY FOR CAR SHARING.

24 (b) "SHARED CAR" EXCLUDES A RENTAL MOTOR VEHICLE AS
25 DEFINED IN SECTION 6-1-201.

26 (7) (a) "SHARED CAR DRIVER" MEANS AN INDIVIDUAL WHO HAS
27 BEEN AUTHORIZED TO DRIVE THE SHARED CAR BY A CAR SHARING

1 PROGRAM UNDER A CAR SHARING AGREEMENT.

2 (b) "SHARED CAR DRIVER" EXCLUDES A LESSEE AS DEFINED IN
3 SECTION 6-1-201.

4 (8) "SHARED CAR OWNER" MEANS A PERSON THAT MAKES A
5 SHARED CAR AVAILABLE FOR SHARING TO SHARED CAR DRIVERS THROUGH
6 A CAR SHARING PROGRAM.

7 (9) "SHARING PERIOD" MEANS THE TIME THAT BEGINS AT THE
8 SHARING START TIME AND ENDS AT THE SHARING TERMINATION TIME.

9 (10) "SHARING START TIME" MEANS THE TIME WHEN A SHARED
10 CAR DRIVER TAKES POSSESSION AND CONTROL OF THE SHARED CAR. THE
11 SHARING START TIME MAY BE AT OR AFTER THE TIME THE RESERVATION OF
12 A SHARED CAR IS SCHEDULED TO BEGIN UNDER A CAR SHARING
13 AGREEMENT.

14 (11) "SHARING TERMINATION TIME" MEANS:

15 (a) THE TIME WHEN THE SHARED CAR IS RETURNED TO THE
16 LOCATION DESIGNATED BY THE SHARED CAR OWNER THROUGH A CAR
17 SHARING PROGRAM; AND

18 (b) THE EARLIEST OF THE FOLLOWING EVENTS:

19 (I) THE EXPIRATION OF THE AGREED PERIOD OF TIME ESTABLISHED
20 FOR THE USE OF A SHARED CAR IN THE GOVERNING CAR SHARING
21 AGREEMENT;

22 (II) THE INTENT TO TERMINATE THE USE OF THE SHARED CAR IS
23 VERIFIABLY COMMUNICATED BY THE SHARED CAR DRIVER TO THE SHARED
24 CAR OWNER THROUGH THE CAR SHARING PROGRAM; OR

25 (III) THE SHARED CAR OWNER, OR THE SHARED CAR OWNER'S
26 AUTHORIZED DESIGNEE, TAKES POSSESSION AND CONTROL OF THE SHARED
27 CAR.

1 **6-1-1203. Insurance coverage during car sharing period.** (1) A
2 CAR SHARING PROGRAM SHALL ENSURE THAT, DURING EACH SHARING
3 PERIOD, THE SHARED CAR IS INSURED UNDER AN AUTOMOBILE LIABILITY
4 INSURANCE POLICY THAT:

5 (a) RECOGNIZES THAT THE CAR INSURED UNDER THE POLICY IS A
6 SHARED CAR; AND

7 **(b) PROVIDES INSURANCE COVERAGE UNDER A:**

8 **(I) COMMERCIAL LIABILITY POLICY ISSUED TO THE CAR SHARING**
9 **PROGRAM THAT IS NOT LESS THAN THREE TIMES THE MINIMUM AMOUNT OF**
10 **FINANCIAL RESPONSIBILITY REQUIRED BY ARTICLE 7 OF TITLE 42; OR**

11 **(II) PERSONAL LIABILITY POLICY ISSUED TO THE SHARED CAR**
12 **DRIVER THAT IS NOT LESS THAN THE MINIMUM AMOUNT OF FINANCIAL**
13 **RESPONSIBILITY REQUIRED BY ARTICLE 7 OF TITLE 42.**

14 (2) THE FINANCIAL RESPONSIBILITY REQUIRED IN SUBSECTION (1)
15 OF THIS SECTION MAY BE SATISFIED BY AUTOMOBILE LIABILITY INSURANCE
16 THAT IS AT LEAST THE MINIMUM AMOUNT OF FINANCIAL RESPONSIBILITY
17 REQUIRED BY ARTICLE 7 OF TITLE 42 AND THAT IS MAINTAINED BY ANY
18 ONE OR A COMBINATION OF THE FOLLOWING:

19

20 (a) A SHARED CAR DRIVER; OR

21 (b) A CAR SHARING PROGRAM.

22 (3) THE INSURANCE DESCRIBED IN SUBSECTION (2) OF THIS
23 SECTION THAT SATISFIES THE INSURANCE REQUIREMENT IN SUBSECTION (1)
24 OF THIS SECTION IS THE PRIMARY COVERAGE DURING THE SHARING PERIOD.

25 **(4) (a) IF THE INSURANCE THAT COMPLIES WITH SUBSECTION (1) OF**
26 **THIS SECTION IS PROVIDED BY THE SHARED CAR DRIVER OR SHARED CAR**
27 **OWNER, A CAR SHARING PROGRAM SHALL MAINTAIN INSURANCE THAT**

1 PROVIDES COVERAGE MEETING THE REQUIREMENTS OF THIS SECTION AND
2 THAT COVERS A LAPSE IN OR LACK OF COVERAGE OF THE SHARED CAR
3 DRIVER'S OR SHARED CAR OWNER'S INSURANCE, BEGINNING WITH THE
4 FIRST DOLLAR OF A CLAIM AND INCLUDING A DUTY TO DEFEND THE CLAIM.

5 (b) THE INSURANCE REQUIRED BY THIS SUBSECTION (4) MAY BE
6 PROCURED FROM:

7 (I) AN INSURER LICENSED UNDER TITLE 10; OR

8 (II) A SURPLUS LINES INSURER AUTHORIZED UNDER ARTICLE 5 OF
9 TITLE 10 THAT HAS A CREDIT RATING OF NO LESS THAN:

10 (A) "A-" FROM A.M. BEST COMPANY, INC.;

11 (B) "A" FROM DEMOTECH, INC.; OR

12 (C) A SIMILAR RATING FROM ANOTHER RATING AGENCY IF BOTH
13 THE RATING AND AGENCY ARE RECOGNIZED BY THE COMMISSIONER OF
14 INSURANCE BY RULE UNDER SECTION 10-5-117.

15 (5) COVERAGE UNDER AN AUTOMOBILE LIABILITY INSURANCE
16 POLICY MAINTAINED BY THE CAR SHARING PROGRAM DOES NOT DEPEND ON
17 A PERSONAL AUTOMOBILE LIABILITY INSURER FIRST DENYING OR BEING
18 REQUIRED TO DENY A CLAIM.

19 (6) THIS SECTION DOES NOT:

20 (a) LIMIT THE LIABILITY OF THE CAR SHARING PROGRAM FOR AN
21 ACT OR OMISSION OF THE CAR SHARING PROGRAM THAT RESULTS IN
22 BODILY INJURY TO ANY PERSON AS A RESULT OF THE USE OF A SHARED
23 VEHICLE THROUGH A CAR SHARING PROGRAM; OR

24 (b) LIMIT THE ABILITY OF THE CAR SHARING PROGRAM TO
25 CONTRACT FOR INDEMNIFICATION FROM THE SHARED CAR OWNER OR THE
26 SHARED CAR DRIVER FOR ECONOMIC LOSS SUSTAINED BY THE CAR
27 SHARING PROGRAM CAUSED BY A BREACH OF THE TERMS AND CONDITIONS

1 OF THE CAR SHARING AGREEMENT.

2 **6-1-1204. Notification of implications of lien.** WHEN A CAR
3 OWNER REGISTERS AS A SHARED CAR OWNER ON A CAR SHARING PROGRAM
4 AND BEFORE THE SHARED CAR IS MADE AVAILABLE FOR CAR SHARING, THE
5 CAR SHARING PROGRAM SHALL NOTIFY THE SHARED CAR OWNER THAT, IF
6 THE SHARED CAR HAS A LIEN AGAINST IT, THE USE OF THE SHARED CAR
7 THROUGH A CAR SHARING PROGRAM, INCLUDING USE WITHOUT PHYSICAL
8 DAMAGE COVERAGE, MAY VIOLATE THE TERMS OF THE CONTRACT WITH
9 THE LIENHOLDER.

10 **6-1-1205. Liability - exclusions for personal automobile**
11 **liability insurance policy - indemnification.** (1) (a) EXCEPT AS
12 PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, A CAR SHARING
13 PROGRAM SHALL ASSUME THE LIABILITY OF A SHARED CAR OWNER FOR
14 ANY BODILY INJURY OR PROPERTY DAMAGE TO THIRD PARTIES, OR
15 UNINSURED AND UNDERINSURED MOTORIST OR PERSONAL INJURY
16 PROTECTION LOSSES, CAUSED BY THE SHARED CAR DRIVER DURING THE
17 SHARING PERIOD UP TO AN AMOUNT STATED IN THE CAR SHARING
18 AGREEMENT, BUT NOT LESS THAN THE MINIMUM AMOUNT OF FINANCIAL
19 RESPONSIBILITY REQUIRED BY ARTICLE 7 OF TITLE 42.

20 (b) A CAR SHARING PROGRAM DOES NOT ASSUME LIABILITY UNDER
21 THIS SUBSECTION (1) FOR ANY BODILY INJURY OR PROPERTY DAMAGE
22 CAUSED BY THE SHARED CAR OWNER MAKING AN INTENTIONAL OR
23 FRAUDULENT MATERIAL MISREPRESENTATION TO THE CAR SHARING
24 PROGRAM BEFORE OR DURING THE SHARING PERIOD IN WHICH THE LOSS
25 OCCURRED.

26 (2) AN AUTHORIZED INSURER MAY EXCLUDE COVERAGE AND THE
27 DUTY TO DEFEND OR INDEMNIFY FOR ANY CLAIM UNDER A SHARED CAR

1 OWNER'S PERSONAL AUTOMOBILE LIABILITY INSURANCE POLICY. THIS
2 PART 12 DOES NOT INVALIDATE OR LIMIT AN EXCLUSION CONTAINED IN AN
3 AUTOMOBILE LIABILITY INSURANCE POLICY, INCLUDING ANY INSURANCE
4 POLICY THAT EXCLUDES COVERAGE FOR MOTOR VEHICLES MADE
5 AVAILABLE FOR RENT, SHARING, HIRE, OR BUSINESS USE.

6 (3) AN AUTOMOBILE INSURER OF THE SHARED CAR OWNER THAT
7 DEFENDS OR INDEMNIFIES A SHARED CAR CLAIM HAS THE RIGHT TO
8 CONTRIBUTION AGAINST THE INSURER OF THE SHARED CAR PROGRAM IF
9 THE CLAIM IS:

10 (a) MADE AGAINST THE SHARED CAR OWNER OR THE SHARED CAR
11 DRIVER FOR DAMAGES OCCURRING DURING THE SHARING PERIOD; AND

12 (b) EXCLUDED UNDER THE TERMS OF THE SHARED CAR OWNER'S
13 INSURANCE POLICY.

14 **6-1-1206. Prohibition on cancellation of coverage for car**
15 **sharing - contribution against indemnification.** (1) EXCEPT AS
16 PROVIDED IN SUBSECTION (3) OF THIS SECTION, AN AUTOMOBILE INSURER
17 SHALL NOT REFUSE TO ISSUE OR RENEW, DENY, CANCEL, VOID, TERMINATE,
18 OR RESCIND A POLICY OF _____ AUTOMOBILE LIABILITY INSURANCE OF A
19 SHARED CAR OWNER SOLELY ON THE BASIS THAT THE CAR COVERED
20 UNDER THE POLICY HAS BEEN MADE AVAILABLE FOR CAR SHARING.

21 (2) AN AUTOMOBILE INSURANCE COMPANY SHALL NOT EXCLUDE
22 OTHERWISE APPLICABLE UNINSURED OR UNDERINSURED MOTORIST
23 COVERAGE FROM A SHARED CAR DRIVER'S OR PASSENGER'S PERSONAL
24 AUTOMOBILE INSURANCE POLICY BECAUSE OF THE PERSON'S
25 PARTICIPATION IN CAR SHARING.

26 (3)(a) AN AUTOMOBILE INSURER MAY REFUSE TO ISSUE OR RENEW,
27 DENY, CANCEL, VOID, TERMINATE, OR RESCIND A POLICY OF _____

1 AUTOMOBILE LIABILITY INSURANCE COVERING A SHARED CAR IF THE
2 APPLICANT OR POLICYHOLDER FAILS TO PROVIDE COMPLETE AND
3 ACCURATE INFORMATION ABOUT THE SHARED CAR OWNER'S
4 PARTICIPATION WITH THE SHARED CAR IN A CAR SHARING PROGRAM AS
5 REQUESTED BY THE AUTOMOBILE INSURER DURING THE APPLICATION OR
6 RENEWAL PROCESS.

7 (b) AN AUTOMOBILE INSURER MAY LIMIT THE NUMBER OF SHARED
8 CARS IT WILL INSURE.

9 **6-1-1207. Record keeping.** A CAR SHARING PROGRAM SHALL
10 COLLECT AND VERIFY RECORDS CONCERNING THE USE OF A VEHICLE,
11 INCLUDING TIMES USED, FEES PAID BY THE SHARED CAR DRIVER, AND
12 REVENUES RECEIVED BY THE SHARED CAR OWNER. A CAR SHARING
13 PROGRAM SHALL PROVIDE THESE RECORDS UPON REQUEST TO THE SHARED
14 CAR OWNER; TO FACILITATE A CLAIM INVESTIGATION, TO THE SHARED CAR
15 OWNER'S INSURER OR THE SHARED CAR DRIVER'S INSURER; OR AS
16 REQUIRED BY AN AIRPORT CONCESSION AGREEMENT. THE CAR SHARING
17 PROGRAM SHALL RETAIN THESE RECORDS FOR AT LEAST THE DURATION OF
18 THE APPLICABLE PERSONAL INJURY STATUTE OF LIMITATIONS.

19 **6-1-1208. Federal law - vicarious liability.** A CAR SHARING
20 PROGRAM AND A SHARED CAR OWNER ARE EXEMPT FROM VICARIOUS
21 LIABILITY IN ACCORDANCE WITH 49 U.S.C. SEC. 30106 AND UNDER ANY
22 STATE OR LOCAL LAW THAT IMPOSES LIABILITY BASED ONLY ON VEHICLE
23 OWNERSHIP.

24 **6-1-1209. Insurable interest.** A CAR SHARING PROGRAM SHALL
25 HAVE AN INSURABLE INTEREST IN A SHARED CAR DURING THE SHARING
26 PERIOD. THIS SECTION DOES NOT CREATE LIABILITY FOR A CAR SHARING
27 PROGRAM FOR FAILURE TO MAINTAIN THE INSURANCE COVERAGE

1 REQUIRED IN SECTION 6-1-1203 IF INSURANCE COVERAGE IS MAINTAINED
2 IN COMPLIANCE WITH SECTION 6-1-1203 BY THE SHARED CAR DRIVER OR
3 THE SHARED CAR OWNER.

4 **6-1-1210. Required disclosures and notices.** (1) A CARSHARING
5 PROGRAM SHALL, FOR EACH SHARED CAR PARTICIPATING IN A CAR
6 SHARING AGREEMENT ON ITS PLATFORM, DO ALL OF THE FOLLOWING:

7 (a) PROVIDE THE SHARED CAR OWNER AND THE SHARED CAR
8 DRIVER WITH THE TERMS AND CONDITIONS OF THE CAR SHARING
9 AGREEMENT;

10 (b) DISCLOSE TO THE SHARED CAR DRIVER ANY COSTS OR FEES
11 THAT ARE CHARGED TO THE SHARED CAR DRIVER UNDER THE CAR SHARING
12 AGREEMENT;

13 (c) DISCLOSE TO THE SHARED CAR OWNER ANY COSTS OR FEES
14 THAT ARE CHARGED TO THE SHARED CAR OWNER UNDER THE CAR SHARING
15 AGREEMENT;

16 (d) PROVIDE AN EMERGENCY TELEPHONE NUMBER FOR A PERSON
17 CAPABLE OF FACILITATING ROADSIDE ASSISTANCE TO THE SHARED CAR
18 DRIVER;

19 (e) DISCLOSE ANY RIGHT OF THE CAR SHARING PROGRAM TO SEEK
20 INDEMNIFICATION FROM THE SHARED CAR OWNER OR THE SHARED CAR
21 DRIVER FOR ECONOMIC LOSS SUSTAINED BY THE CAR SHARING PROGRAM
22 CAUSED BY A BREACH OF THE CAR SHARING AGREEMENT;

23 (f) DISCLOSE THAT AN AUTOMOBILE LIABILITY INSURANCE POLICY
24 ISSUED TO THE SHARED CAR OWNER FOR THE SHARED CAR OR TO THE
25 SHARED CAR DRIVER DOES NOT PROVIDE A DEFENSE OR INDEMNIFICATION
26 FOR ANY CLAIM ASSERTED BY THE CAR SHARING PROGRAM;

27 (g) DISCLOSE THAT THE CAR SHARING PROGRAM'S INSURANCE

1 COVERAGE ON THE SHARED CAR OWNER AND THE SHARED CAR DRIVER IS
2 IN EFFECT ONLY DURING EACH SHARING PERIOD AND THAT THE SHARED
3 CAR MAY NOT HAVE INSURANCE COVERAGE FOR USE OF THE SHARED CAR
4 BY THE SHARED CAR DRIVER AFTER THE SHARING TERMINATION TIME;

5 (h) DISCLOSE ANY INSURANCE OR PROTECTION PACKAGE COSTS
6 THAT ARE CHARGED TO THE SHARED CAR OWNER OR THE SHARED CAR
7 DRIVER; AND

8 (i) DISCLOSE THAT THE SHARED CAR OWNER'S AUTOMOBILE
9 LIABILITY INSURANCE MIGHT NOT PROVIDE COVERAGE FOR A SHARED CAR.

10 **6-1-1211. Driver's license verification and data retention.**

11 (1) A CAR SHARING PROGRAM SHALL NOT ENTER INTO A CAR SHARING
12 AGREEMENT WITH A CAR SHARING DRIVER UNLESS THE DRIVER:

13 (a) HOLDS A DRIVER'S LICENSE, ISSUED UNDER ARTICLE 2 OF TITLE
14 42, THAT AUTHORIZES THE DRIVER TO OPERATE CARS OF THE CLASS OF THE
15 SHARED CAR; OR

16 (b) IS A NONRESIDENT WHO IS EXEMPT FROM LICENSURE UNDER
17 SECTION 42-2-102.

18 (2) A CAR SHARING PROGRAM SHALL KEEP A RECORD OF:

19 (a) THE NAME AND ADDRESS OF THE SHARED CAR DRIVER;

20 (b) THE NUMBER OF THE DRIVER'S LICENSE OF EACH SHARED CAR
21 DRIVER; AND

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

23 **6-1-1212. Shared car equipment.** (1) (a) A SHARED CAR OWNER
24 SHALL ENSURE THAT A SHARED CAR IS EQUIPPED TO COMPLY WITH
25 SECTION 42-4-106 (5) FROM SEPTEMBER 1 TO MAY 31 WHEN THE
26 COLORADO DEPARTMENT OF TRANSPORTATION CLOSSES A PORTION OF A
27 STATE HIGHWAY TO MOTOR VEHICLES WITHOUT ADEQUATE TRACTION

1 CONTROL.

2 (b) WHEN A VEHICLE OWNER REGISTERS AS A SHARED CAR OWNER
3 ON A CAR SHARING PROGRAM AND BEFORE THE SHARED CAR OWNER
4 MAKES A SHARED CAR AVAILABLE FOR CAR SHARING, THE CAR SHARING
5 PROGRAM SHALL NOTIFY THE SHARED CAR OWNER OF, INCLUDING THE
6 CONTENTS OF, SUBSECTION (1)(a) OF THIS SECTION AND SECTION 42-4-106
7 (5).

8 (2) A CAR SHARING PROGRAM IS RESPONSIBLE FOR ANY
9 EQUIPMENT, INCLUDING A GPS SYSTEM, THAT IS PUT IN OR ON THE CAR TO
10 MONITOR OR FACILITATE THE CAR SHARING TRANSACTION. A CAR SHARING
11 PROGRAM SHALL INDEMNIFY AND HOLD HARMLESS THE SHARED CAR
12 OWNER FOR ANY DAMAGE TO OR THEFT OF THE EQUIPMENT DURING THE
13 SHARING PERIOD, UNLESS CAUSED BY THE SHARED CAR OWNER. THE CAR
14 SHARING PROGRAM HAS THE RIGHT TO BE INDEMNIFIED FROM THE SHARED
15 CAR DRIVER FOR ANY LOSS OR DAMAGE TO THE EQUIPMENT THAT OCCURS
16 DURING THE SHARING PERIOD.

17 **6-1-1213. Safety recalls.** (1) WHEN A SHARED CAR OWNER
18 REGISTERS A SHARED CAR WITH A CAR SHARING PROGRAM AND BEFORE
19 THE SHARED CAR IS AVAILABLE FOR CAR SHARING, THE CAR SHARING
20 PROGRAM SHALL:

21 (a) VERIFY THAT THE SHARED CAR DOES NOT HAVE ANY OPEN
22 SAFETY RECALLS FOR WHICH THE REPAIRS HAVE NOT BEEN MADE; AND

23 (b) NOTIFY THE SHARED CAR OWNER OF THE REQUIREMENTS
24 UNDER SUBSECTION (2) OF THIS SECTION.

25 (2) IF THE SHARED CAR OWNER HAS ACTUAL NOTICE OF A SAFETY
26 RECALL ON THE SHARED CAR, A SHARED CAR OWNER SHALL NOT MAKE THE
27 SHARED CAR AVAILABLE WITH A CAR SHARING PROGRAM UNTIL THE

1 SAFETY RECALL REPAIR HAS BEEN MADE.

2 (3) IF A SHARED CAR OWNER HAS ACTUAL NOTICE OF A SAFETY
3 RECALL ON A SHARED CAR WHILE AVAILABLE FOR SHARING WITH A CAR
4 SHARING PROGRAM, THE SHARED CAR OWNER SHALL REMOVE THE SHARED
5 CAR'S AVAILABILITY WITH THE CAR SHARING PROGRAM:

6 (a) AS SOON AS PRACTICABLE, BUT NO LATER THAN SEVENTY-TWO
7 HOURS, AFTER RECEIVING THE NOTICE OF THE SAFETY RECALL; AND

8 (b) UNTIL THE SAFETY RECALL REPAIR HAS BEEN MADE.

9 (4) IF A SHARED CAR OWNER HAS ACTUAL NOTICE OF A SAFETY
10 RECALL DURING THE SHARING PERIOD, THE SHARED CAR OWNER SHALL
11 NOTIFY BOTH THE SHARED CAR DRIVER AND THE CAR SHARING PROGRAM
12 ABOUT THE SAFETY RECALL.

13 **6-1-1214. Operation at airports.** (1) IF AN AIRPORT OPERATOR
14 WITHIN COLORADO REQUESTS THAT A CAR SHARING PROGRAM ENTER INTO
15 AN AIRPORT CONCESSION AGREEMENT, A CAR SHARING PLATFORM SHALL
16 ENTER INTO AN AGREEMENT BEFORE ENABLING CAR SHARING WITHIN
17 FIFTEEN MILES OF THE TERMINAL OF THAT AIRPORT.

18 (2) A SHARED CAR OWNER OFFERING THREE OR MORE SHARED
19 CARS TO SHARED CAR DRIVERS WITHIN FIFTEEN MILES OF THE TERMINAL
20 OF AN AIRPORT SHALL ENTER INTO AN AIRPORT CONCESSION AGREEMENT
21 UPON REQUEST BY THE AIRPORT.

22 (3) AN AIRPORT CONCESSION AGREEMENT MAY IMPOSE THE SAME
23 TAXES AND FEES AS ARE IMPOSED ON OTHER RENTAL CAR PROGRAMS
24 OPERATING AT THAT AIRPORT.

25 (4) IF A CAR SHARING PROGRAM OR SHARED CAR OWNER VIOLATES
26 THIS SECTION, THE AFFECTED AIRPORT MAY PETITION A COURT FOR THE
27 FOLLOWING AND THE COURT MAY AWARD THE FOLLOWING FROM THE

1 VIOLATOR:

2 (a) AN INJUNCTION PROHIBITING THE VIOLATOR FROM CAR
3 SHARING IN COLORADO:

4 (b) COMPENSATORY DAMAGES; AND

5 (c) PUNITIVE DAMAGES.

6 **SECTION 2. Act subject to petition - effective date -**
7 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
8 the expiration of the ninety-day period after final adjournment of the
9 general assembly (August 2, 2019, if adjournment sine die is on May 3,
10 2019); except that, if a referendum petition is filed pursuant to section 1
11 (3) of article V of the state constitution against this act or an item, section,
12 or part of this act within such period, then the act, item, section, or part
13 will not take effect unless approved by the people at the general election
14 to be held in November 2020 and, in such case, will take effect on the
15 date of the official declaration of the vote thereon by the governor.

16 (2) This act applies to car sharing that occurs on or after the
17 applicable effective date of this act.