

304.39-047 Definitions for section -- Authority to exclude coverage for peer-to-peer car sharing -- Right of recovery.

- (1) As used in this section, the following have the same meaning as in KRS 365.520:
 - (a) "Car sharing period";
 - (b) "Peer-to-peer car sharing program";
 - (c) "Shared vehicle";
 - (d) "Shared vehicle driver"; and
 - (e) "Shared vehicle owner."
- (2) An authorized insurer that writes motor vehicle liability insurance in this state may exclude any and all coverage, and the duty to defend or indemnify for any claim afforded, under a shared vehicle owner's policy for accidents involving the shared vehicle that occur during a car sharing period, including but not limited to:
 - (a) Security for payment of tort liabilities under KRS 304.39-110;
 - (b) Uninsured motorist coverage under KRS 304.20-020;
 - (c) Underinsured motorist coverage under KRS 304.39-320;
 - (d) Basic reparation benefits as defined in KRS 304.39-020;
 - (e) Medical payments coverage;
 - (f) Comprehensive property damage coverage; and
 - (g) Collision property damage coverage.
- (3) An insurer that defends or indemnifies a claim against a shared vehicle shall have the right to seek recovery against the insurer that issued a motor vehicle liability insurance policy under KRS 365.522(2) to the peer-to-peer car sharing program if:
 - (a) The claim is made against the shared vehicle owner or shared vehicle driver for damages that result from an accident occurring during the car sharing period; and
 - (b) Coverage for the claim is excluded under the terms of the insurer's policy.

Effective: January 1, 2023

History: Created 2022 Ky. Acts ch. 153, sec. 12, effective January 1, 2023.