

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
(Amended After Comments)

601 KAR 1:114. Peer-to-peer services.

RELATES TO: KRS 186.050, 189.290, 189A.010, 281.010, 281.600, 281.630, 281.6301, 281.631, 281.640, 281.655, 281.656, 281.990, 304.3-070, 304.10-070, 304.20-020, 304.39-020(2), 304.39-040, 304.39-320

STATUTORY AUTHORITY: KRS 281.600(1), 281.630, 281.655

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 281.600(1) authorizes the Department of Vehicle Regulation to promulgate administrative regulations to regulate and establish requirements for the safe operation of motor carriers. KRS 281.630 authorizes the department to establish requirements for a transportation network company to apply for authority to operate in Kentucky. KRS 281.655 requires the department to establish standards for pre-trip acceptance policies and prearranged ride liability policies for transportation network companies. This administrative regulation establishes the standards and application requirements for a transportation network company to operate in Kentucky.

Section 1. Definitions.

- (1) "Certificate" is defined by KRS 281.010(9).
- (2) "Motor carrier" is defined by KRS 281.010(34).
- (3) "Operating authority" means the authority to operate under a peer-to-peer car sharing certificate.
- (4) "Peer-to-peer car sharing" is defined by KRS 281.010(40).
- (5) "Peer-to-peer car sharing certificate" is defined by KRS 281.010(41).
- (6) "Peer-to-peer car sharing company" is defined by KRS 281.010(42).
- (7) "Peer-to-peer car sharing program" is defined by KRS 281.010(43).
- (8) "Personal information" is defined by KRS 61.931(6).
- (9) "Shared vehicle" is defined by KRS 281.010(54).
- (10) "Shared vehicle driver" is defined by KRS 281.010(55).
- (11) "Shared vehicle owner" is defined by KRS 281.010(56).

Section 2. Application and Renewal.

- (1) To apply for a certificate to operate, a peer-to-peer car sharing company shall:
 - (a) Submit an application electronically using the Kentucky Motor Carrier Portal at <https://drive.ky.gov/>;
 - (b) Pay an application fee of \$250 pursuant to KRS 281.630(3)(b); and
 - (c) Pay a vehicle qualification fee of fifteen (15) dollars per vehicle or use the bulk vehicle qualification payment option in subsection (2).
- (2) A peer-to-peer car sharing company with fifty-one (51) or more vehicles may qualify vehicles to operate by paying a calendar year bulk qualification fee pursuant to the following schedule:
 - (a) \$1,500 for fifty-one (51) to 100 vehicles;
 - (b) \$2,250 for 101 to 150 vehicles;
 - (c) \$3,000 for 151 to 200 vehicles;
 - (d) \$3,750 for 201 to 250 vehicles;
 - (e) \$4,500 for 251 to 300 vehicles;
 - (f) \$5,250 for 301 to 350 vehicles;
 - (g) \$6,000 for 351 to 400 vehicles;

- (h) \$7,500 for 401 to 500 vehicles; and
 - (i) \$11,250 for 501 or more vehicles.
- (3) A peer-to-peer car sharing company shall submit the following using the Kentucky Motor Carrier Portal at <https://drive.ky.gov/> to renew a certificate no later than December 31 of each renewal year:
- (a) A certificate renewal fee of \$250 pursuant to KRS 281.630(4)(d); and
 - (b) A vehicle qualification fee of fifteen (15) dollars per vehicle, or a renewal bulk fee pursuant to the schedule in subsection (2).
- (4) If a peer-to-peer car sharing company elects to use the bulk vehicle qualification payment option in the initial or renewal application, the peer-to-peer car sharing company shall not be required to submit additional vehicle qualification information and fees to the Division of Motor Carriers in connection with vehicles that are added during the duration of the period for which the bulk payment was made.
- (5) A peer-to-peer car sharing company shall pay a renewal bulk fee by December 15 of each calendar year.
- (6) If a peer-to-peer car sharing company does not elect to use the bulk vehicle qualification payment option in the initial or renewal application, a peer-to-peer vehicle shall be added to the peer-to-peer car sharing company's current list by submitting a vehicle qualification fee of fifteen (15) dollars per vehicle prorated for the month the vehicle is qualified pursuant to KRS 281.631(3) and (8) to the Division of Motor Carriers using the Kentucky Motor Carrier Portal at <https://drive.ky.gov/>.
- (7) Operating authority obtained pursuant to this section shall not be transferable.

Section 3. Demonstration of Financial Responsibility and Insurance. Before a certificate may be issued or renewed, a peer-to-peer car sharing company shall file or have on file with the department proof of insurance that demonstrates that the peer-to-peer car sharing company meets the motor vehicle insurance coverage requirements in KRS 365.522.

Section 4. Recordkeeping. Pursuant to KRS 365.524(2), a peer-to-peer car sharing company shall collect and verify records pertaining to the use of a shared vehicle and provide the information collected to facilitate a claim coverage investigation, settlement, negotiation, or litigation, as provided in that subsection.

Section 5. Service.

- (1) A peer-to-peer car sharing company shall adopt a policy of non-discrimination based on the following:
- (a) Race or color;
 - (b) National origin;
 - (c) Religious belief or affiliation;
 - (d) Sex; and
 - (e) Disability.
- (2) A peer-to-peer car sharing company shall make the notifications and disclosures to shared vehicle drivers and shared vehicle owners provided in KRS 365.524.

Section 6. Terms of Service. A peer-to-peer car sharing company shall not disclose to a third party the personal information of a shared vehicle driver or shared vehicle owner unless:

- (1) The peer-to-peer car sharing company obtains the shared vehicle driver's or shared vehicle owner's consent to disclose or provides notice in its privacy policy about the disclosure ;
- (2) The disclosure is required to comply with a legal obligation; or
- (3) The disclosure is required to protect or defend the terms of use of the service or to investigate violations of the terms of use.

Section 7. Penalties.

- (1) A peer-to-peer car sharing company that operates in violation of the requirements of this administrative regulation shall be fined pursuant to KRS 281.990(1).
- (2) A peer-to-peer car sharing company that operates in violation of the terms of its certificate or permit or operates without a valid permit shall be fined pursuant to KRS 281.990(2).
- (3) A peer-to-peer car sharing company that fails to produce requested records and information pursuant to KRS 281.820 within one week of the request by the department shall be fined \$200.

JIM GRAY, Secretary

MATTHEW COLE, Commissioner

JON JOHNSON, Staff Attorney Manager/Assistant General Counsel APPROVED BY
AGENCY: