

365.524 Notice requirements of peer-to-peer car sharing program -- Collection and verification of records -- Disclosures -- Restrictions and requirements.

- (1) At the time when a motor vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and prior to the time when the shared vehicle owner makes a shared vehicle available for sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall:
 - (a) Notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the motor vehicle as a shared vehicle through a peer-to-peer car sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder;
 - (b) Verify that the shared vehicle does not have any safety recalls for which the repairs have not been made; and
 - (c) Notify the shared vehicle owner of the requirements under KRS 365.526.
- (2) (a) A peer-to-peer car sharing program shall collect and verify records pertaining to the use of a shared vehicle, including but not limited to:
 1. Times used;
 2. Car sharing period pickup and drop-off locations;
 3. Fees paid by the shared vehicle driver; and
 4. Revenues received by the shared vehicle owner.
 - (b) The peer-to-peer car sharing program shall provide the information collected under paragraph (a) of this subsection, upon request, to the following to facilitate a claim coverage investigation, settlement, negotiation, or litigation:
 1. The shared vehicle owner;
 2. The shared vehicle owner's insurer; and
 3. The shared vehicle driver's insurer.
 - (c) The peer-to-peer car sharing program shall retain the records collected for a time period not less than the applicable personal injury statute of limitations.
- (3) Each car sharing program agreement made in this state shall disclose to the shared vehicle owner and the shared vehicle driver:
 - (a) Any right of the peer-to-peer car sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement;
 - (b) That a motor vehicle liability insurance policy issued to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer car sharing program;
 - (c) That the peer-to-peer car sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver shall be in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the car sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage;

- (d) The daily rate, fees, and, if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver;
 - (e) That the shared vehicle owner's motor vehicle liability insurance may not provide coverage for a shared vehicle;
 - (f) An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries; and
 - (g) Whether there are conditions under which a shared vehicle driver must maintain a personal motor vehicle insurance policy with certain applicable coverage limits on a primary basis in order to book a shared vehicle.
- (4) (a) A peer-to-peer car sharing program shall not enter into a car sharing program agreement with a potential shared vehicle driver unless the driver:
- 1. Holds a driver's license issued under the laws of this state that authorizes the driver to operate vehicles of the class of the shared vehicle;
 - 2. Is a nonresident who:
 - a. Has a driver's license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive vehicles of the class of the shared vehicle; and
 - b. Is at least the same age as that required of a resident to drive in this state; or
 - 3. Is otherwise authorized under the laws of this state to drive vehicles of the class of the shared vehicle.
- (b) A peer-to-peer car sharing program shall keep a record of:
- 1. The name and address of each shared vehicle driver;
 - 2. The driver's license number of each shared vehicle driver; and
 - 3. The place of issuance of the driver's license of each shared vehicle driver.
- (5) (a) A peer-to-peer car sharing program shall:
- 1. Have sole responsibility for any equipment, such as a global positioning system (GPS) or other special equipment, that is put in or on the shared vehicle to monitor or facilitate the peer-to-peer car sharing; and
 - 2. Agree to indemnify and hold harmless the shared vehicle owner for any damage to or theft of the equipment during the car sharing period not caused by the shared vehicle owner.
- (b) A peer-to-peer car sharing program may seek indemnification from the shared vehicle driver for any loss or damage to the equipment that occurs during the car sharing period.

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