

Effective 7/1/2023

Chapter 48a Car-Sharing Programs

Part 1 General Provisions

Effective until 7/1/2024

13-48a-101 Definitions.

As used in this chapter:

- (1)
 - (a) "Car sharing" means the authorized use of a motor vehicle:
 - (i) by an individual other than the owner of the motor vehicle; and
 - (ii) through a peer-to-peer car-sharing program.
 - (b) "Car sharing" does not mean the business of providing private passenger motor vehicles to the public as used in Section 31A-22-311.
- (2)
 - (a) "Car-sharing agreement" means an agreement:
 - (i) applicable to a shared vehicle owner and a shared vehicle driver; and
 - (ii) that governs a shared vehicle driver's use of a shared vehicle through a car-sharing program.
 - (b) "Car-sharing agreement" does not mean:
 - (i) a rental agreement, as defined in Section 31A-22-311; or
 - (ii) a short-term rental as that term is defined in Section 59-12-602.
- (3) "Car-sharing delivery period" means the period of time during which a shared vehicle is being delivered to the location of the car-sharing start time, if applicable, as documented by the governing car-sharing agreement.
- (4) "Car-sharing period" means the period of time that:
 - (a)
 - (i) begins at the car-sharing delivery period; or
 - (ii) if there is no car-sharing delivery period, begins at the car-sharing start time; and
 - (b) ends at the car-sharing termination time.
- (5)
 - (a) "Car-sharing program" or "peer-to-peer car-sharing program" means a business platform that connects motor vehicle owners with drivers to enable the sharing of motor vehicles for consideration.
 - (b) "Car-sharing program" does not mean:
 - (i) a motor vehicle rental company, as defined in Section 13-48-102; or
 - (ii) a rental company, as defined in Section 31A-22-311.
- (6) "Car-sharing start time" means the time when a shared vehicle becomes subject to the control of the shared vehicle driver at or after the time the reservation of the shared vehicle is scheduled to begin, as documented in the records of the car-sharing program.
- (7) "Car-sharing termination time" means the earliest of the following events:
 - (a) the expiration of the agreed upon period of time established for the use of a shared vehicle according to the terms of the car-sharing agreement, if the shared vehicle is delivered to the location agreed upon in the car-sharing agreement;

- (b) when the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a car-sharing program, which alternatively agreed upon location shall be incorporated into the car-sharing agreement; and
 - (c) when the shared vehicle owner or shared vehicle owner's authorized designee takes possession and control of the shared vehicle.
- (8) "Individual-owned shared vehicle" means:
- (a) for a motor vehicle purchased in the state, a shared vehicle for which applicable sales tax and use tax was paid on the purchase; or
 - (b) for a motor vehicle not purchased in the state, a shared vehicle for which:
 - (i) an applicable use tax was paid to this state on the purchase; or
 - (ii) sales tax or use tax was paid on the purchase in the jurisdiction in which the motor vehicle was purchased.
- (9) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
- (10) "Shared vehicle" means a motor vehicle that is available for use by an individual other than the shared vehicle owner through a car-sharing program.
- (11)
- (a) "Shared vehicle driver" means an individual who has been authorized to drive a shared vehicle by the shared vehicle owner under a car-sharing program.
 - (b) "Shared vehicle driver" does not mean a renter, as defined in Section 31A-22-311.
- (12)
- (a) "Shared vehicle owner" means:
 - (i) the registered owner of a motor vehicle made available for car sharing; or
 - (ii) a person designated by the registered owner of a motor vehicle made available for car sharing.
 - (b) "Shared vehicle owner" does not mean a rental company, as defined in Section 31A-22-311.

Enacted by Chapter 361, 2023 General Session

Effective 7/1/2024

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 - (i) a motor vehicle rental company, as defined in Section 13-48-102; or
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 - (a) the expiration of the agreed upon period of time established for the use of a shared vehicle according to the terms of the car-sharing agreement, if the shared vehicle is delivered to the location agreed upon in the car-sharing agreement;
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 - (c) when the shared vehicle owner or shared vehicle owner's authorized designee takes possession and control of the shared vehicle.
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 - (a) for a motor vehicle purchased in the state, a shared vehicle for which applicable sales tax and use tax was paid on the purchase; or
 - (b) for a motor vehicle not purchased in the state, a shared vehicle for which:
 - (i) an applicable use tax was paid to this state on the purchase; or
 - (ii) sales tax or use tax was paid on the purchase in the jurisdiction in which the motor vehicle was purchased.
- (9) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
- (10) "Shared vehicle" means a motor vehicle that is available for use by an individual other than the shared vehicle owner through a car-sharing program.
- (11)
 - (a) "Shared vehicle driver" means an individual who has been authorized to drive a shared vehicle by the shared vehicle owner under a car-sharing program.
 - (b) "Shared vehicle driver" does not mean a renter, as defined in Section 31A-22-311.
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 - (a) "Shared vehicle owner" means:
 - (i) the registered owner of a motor vehicle made available for car sharing; or
 - (ii) a person designated by the registered owner of a motor vehicle made available for car sharing.
 - (b) "Shared vehicle owner" does not mean a rental company, as defined in Section 31A-22-311.

Amended by Chapter 274, 2024 General Session

13-48a-102 Limits on reach of chapter.

Nothing in this chapter:

- (1) limits the liability of a car-sharing program for an act or omission of the car-sharing program that results in injury to a person as a result of the use of a shared vehicle through a car-sharing program; or
- (2) limits the ability of the car-sharing program, by contract, to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the car-sharing program resulting from a breach of the terms and conditions of the car-sharing agreement.

Enacted by Chapter 361, 2023 General Session

Part 2
Consumer Protection Provisions

13-48a-201 Notification about possible violation of lienholder agreement.

- (1) As used in this section, "lienholder agreement" means an agreement between the owner of a motor vehicle and another person under which the other person has a lien against the motor vehicle.
- (2) At the time that the owner of a motor vehicle registers to make the owner's motor vehicle available for sharing through a car-sharing program, the car-sharing program shall notify the owner that the use of the owner's motor vehicle through the car-sharing program, including without physical damage coverage, may violate the terms of a lienholder agreement that the motor vehicle may be subject to.

Enacted by Chapter 361, 2023 General Session

13-48a-202 Safety recalls.

- (1) At the time that the owner of a motor vehicle registers to make the owner's motor vehicle available for sharing through a car-sharing program, the car-sharing program shall:
 - (a) verify that the shared vehicle does not have any safety recalls for which the repairs have not been made; and
 - (b) notify the motor vehicle owner of the requirements under Subsections (2), (3), and (4).
- (2) An owner of a motor vehicle may not register to make the owner's motor vehicle available for sharing through a car-sharing program if:
 - (a) the owner has received an actual notice of a safety recall applicable to the motor vehicle; and
 - (b) the safety recall repair has not been made.
- (3) A shared vehicle owner who receives an actual notice of a safety recall applicable to the shared vehicle during the time that the shared vehicle is made available for sharing through a car-sharing program shall, as soon as practicably possible after receiving the notice, remove the shared vehicle from availability for sharing through the car-sharing program until the safety recall repair is made.
- (4) A shared vehicle owner who receives an actual notice of a safety recall applicable to the shared vehicle during the time that the shared vehicle is in the possession of a shared vehicle driver

under a car-sharing agreement shall, as soon as practicably possible after receiving the notice, notify the car-sharing program about the safety recall so that the shared vehicle owner may address the safety recall repair.

Enacted by Chapter 361, 2023 General Session

13-48a-203 Required disclosures for a car-sharing agreement.

A car-sharing agreement shall disclose to the shared vehicle owner and the shared vehicle driver:

- (1) a right of the car-sharing company to seek indemnification from the shared vehicle owner or shared vehicle driver for economic loss resulting from a breach of the car-sharing agreement;
- (2) that a motor vehicle liability insurance policy issued to the shared vehicle owner or shared vehicle driver does not provide a defense or indemnification for any claim asserted by the car-sharing company;
- (3) that the car-sharing program's insurance policy covering the shared vehicle owner and the shared vehicle driver is in effect only during the 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;
- (4) of the daily rate, fees, and, if applicable, insurance or protection package costs that are charged to the shared vehicle owner or shared vehicle driver;
- (5) that the shared vehicle owner's motor vehicle liability insurance policy may not provide coverage for the shared vehicle;
- (6) of an emergency telephone number to contact personnel capable of fielding roadside assistance or other customer service inquiries; and
- (7) whether there are conditions under which a shared vehicle driver must maintain a personal automobile insurance policy with certain applicable coverage limits on a primary basis in order to book a shared vehicle.

Enacted by Chapter 361, 2023 General Session

13-48a-204 Records relating to the use of shared vehicles.

- (1) A car-sharing program shall collect and verify records pertaining to the use of a shared vehicle, including times used, car-sharing period pick up and drop off locations, fees paid by the shared vehicle driver, and revenues received by the shared vehicle owner, and provide that information upon request to the shared vehicle owner, the shared vehicle owner's insurer, or the shared vehicle driver's insurer to facilitate a claim coverage investigation, settlement, negotiation, or litigation.
- (2) The car-sharing program shall retain the records for a time period not less than two years.

Enacted by Chapter 361, 2023 General Session

13-48a-205 GPS or other special equipment.

- (1) A car-sharing program:
 - (a) has sole responsibility for any GPS or other special equipment that the car-sharing company places on or in a shared vehicle to monitor the shared vehicle or facilitate the car-sharing agreement; and
 - (b) shall agree to indemnify and hold harmless the shared vehicle owner for any damage to the shared vehicle that:

- (i) is a result of damage to or theft of equipment described in Subsection (1)(a);
 - (ii) occurs during the car-sharing period; and
 - (iii) is not caused by the shared vehicle owner.
- (2) A car-sharing program may seek indemnity from a shared vehicle driver for any loss of or damage to equipment described in Subsection (1)(a) that occurs during the car-sharing period.

Enacted by Chapter 361, 2023 General Session

Part 3

Liability and Insurance for Covered Loss from Operation of Shared Vehicle

13-48a-301 Car-sharing company assumption of liability for a covered loss -- Exception.

- (1) Except as provided in Subsection (2), a car-sharing program shall assume liability of a shared vehicle owner for bodily injury or property damage to third parties or personal injury protection losses during the car-sharing period in an amount stated in the car-sharing agreement, which amount may not be less than those set forth in Section 31A-22-304.
- (2) Notwithstanding the definition of car-sharing termination time, the assumption of liability under Subsection (1) does not apply to a shared vehicle owner when:
- (a) a shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the car-sharing program before the car-sharing period in which the loss occurred; or
 - (b) acting in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car-sharing agreement.
- (3) Notwithstanding the definition of car-sharing termination time, the assumption of liability under Subsection (1) would apply to bodily injury, property damage, or personal injury protection losses by damaged third parties required by Section 31A-22-304.

Enacted by Chapter 361, 2023 General Session

13-48a-302 Motor vehicle liability insurance.

- (1) A car-sharing program shall ensure that, during each car-sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that provides coverage in amounts no less than the minimum amounts set forth in Section 31A-22-304, and:
- (a) recognizes that the shared vehicle insured under the policy is made available and used through a car-sharing program; or
 - (b) does not exclude use of a shared vehicle by a shared vehicle driver.
- (2) The insurance described in Subsection (1) may be satisfied by motor vehicle liability insurance maintained by:
- (a) a shared vehicle owner;
 - (b) a shared vehicle driver;
 - (c) a car-sharing program; or
 - (d) a shared vehicle owner, a shared vehicle driver, and a car-sharing program.
- (3) The insurance described in Subsection (1) that is satisfying the insurance requirement of Subsection (1) shall be primary during each car-sharing period and in the event that a claim occurs in another state with minimum financial responsibility limits higher than those in Section

- 31A-22-304, during the car-sharing period, the coverage maintained under Subsection (2) shall satisfy the difference in minimum coverage amounts, up to the applicable policy limits.
- (4) The insurer, insurers, or car-sharing program providing coverage under Subsection (1) or (2) shall assume primary liability for a claim when:
 - (a) a dispute exists as to who was in control of the shared motor vehicle at the time of the loss and the car-sharing program does not have available, did not retain, or fails to provide the information required by Section 13-48a-203; or
 - (b) a dispute exists as to whether the shared vehicle was returned to the alternatively agreed upon location as required under Section 13-48a-101.
 - (5) If insurance maintained by a shared vehicle owner or shared vehicle driver in accordance with Subsection (2) has lapsed or does not provide the required coverage, insurance maintained by the car-sharing program shall provide the coverage required by Subsection (1) beginning with the first dollar of a claim and have the duty to defend the claim except under circumstances set forth in Subsection 13-48a-301(2).
 - (6) Coverage under an automobile insurance policy maintained by the car-sharing program is not dependent on another automobile insurer first denying a claim, nor shall another automobile insurance policy be required to first deny a claim.

Enacted by Chapter 361, 2023 General Session

13-48a-303 Certain abilities of insurance companies preserved.

- (1)
 - (a) A motor vehicle liability insurance policy may exclude coverage and a duty to defend or indemnify with respect to a claim arising during a motor vehicle's use as a shared vehicle, based on the motor vehicle's use as a shared vehicle.
 - (b) Coverage that may be excluded as provided in Subsection (1) includes coverage for:
 - (i) bodily injury or property damage suffered by a third party;
 - (ii) a claim covered by uninsured motorist coverage described in Section 31A-22-305;
 - (iii) a claim covered by underinsured motorist coverage described in Section 31A-22-305.5;
 - (iv) a claim covered by personal injury protection coverage and benefits described in Section 31A-22-307;
 - (v) a claim for medical payments;
 - (vi) a claim for comprehensive physical damage; and
 - (vii) a claim for collision physical damage.
- (2) Nothing in this chapter invalidates, limits, or restricts the ability of an insurance company under other applicable law to:
 - (a) underwrite an insurance policy; or
 - (b) cancel or fail to renew an insurance policy.
- (3) Nothing in this chapter invalidates or limits a provision in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use, that excludes coverage for a motor vehicle made available for rent, sharing, hire, or any business use.

Enacted by Chapter 361, 2023 General Session

13-48a-304 Insurable interest -- Insurance to cover various liabilities -- No liability to maintain certain insurance.

- (1) Notwithstanding any other provision of law, a car-sharing program has an insurable interest in a shared vehicle during the car-sharing period.

- (2) A car-sharing program may own and maintain as the named insured one or more policies of motor vehicle insurance that provide coverage for:
 - (a) a liability assumed by the car-sharing program under a car-sharing agreement;
 - (b) a liability of the shared vehicle owner;
 - (c) a liability of the shared vehicle driver; or
 - (d) damage or loss to a shared vehicle.
- (3) Nothing in this section requires a car-sharing program to maintain insurance coverage for the car-sharing program's liability under this chapter.

Enacted by Chapter 361, 2023 General Session

13-48a-305 Recovery for claim excluded from insurance policy.

An insurance company that defends or indemnifies a claim against a shared vehicle that is excluded under the terms of the insurance company's policy shall have the right to seek recovery against the motor vehicle insurer of the car-sharing program if the claim is:

- (1) made against the shared vehicle owner or shared vehicle driver for a loss or injury that occurs during the car-sharing period; and
- (2) excluded under the terms of the policy of the insurance company that defends or indemnifies the claim.

Enacted by Chapter 361, 2023 General Session

13-48a-306 Exemption from liability based on operation of a car-sharing program or on vehicle ownership.

Consistent with 49 U.S.C. Sec. 30106, a car-sharing program and a shared vehicle owner are exempt from vicarious liability under any state or local law that imposes liability solely based on vehicle ownership.

Enacted by Chapter 361, 2023 General Session

13-48a-307 Driver license requirement and records.

- (1) A car-sharing program may not enter into a car-sharing agreement with a driver unless the driver who will operate the shared vehicle:
 - (a) holds a driver license issued under the applicable law of this state that authorizes the driver to operate vehicles of the class of the shared vehicle;
 - (b) is a nonresident who:
 - (i) has a driver 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
 - (ii) is at least the same age as that required of a resident to drive; or
 - (c) otherwise is specifically authorized to drive vehicles of the class of the shared vehicle.
- (2) A car-sharing program shall keep a record of:
 - (a) the name and address of the shared vehicle driver;
 - (b) the number of the driver license of the shared vehicle driver and each other person, if any, who will operate the shared vehicle; and
 - (c) the place of issuance of the driver license.

Enacted by Chapter 361, 2023 General Session

