SENATE COMMITTEE OF REFERENCE REPORT

February 11, 2019

Chair of Committee

Date

Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

SB19-090 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, line 22, strike "PROGRAM." and substitute "PROGRAM BUT IS NOT USED EXCLUSIVELY FOR CAR SHARING.".

Page 4, strike lines 13 through 21 and substitute:

"(11) "SHARING TERMINATION TIME" MEANS:

(a) the time when the shared car is returned to the location designated by the shared car owner through a car sharing program; and

(b) the earliest of the following events:

(I) the expiration of the agreed period of time established for the use of a shared car in the governing car sharing agreement;

(II) the intent to terminate the use of the shared car is verifiably communicated by the shared car driver to the shared car owner through the car sharing program; or

(III) the shared car owner, or the shared car owner's authorized designee, takes possession and control of the shared car."

Page 5, after line 14 insert:

"(4) IF THE INSURANCE THAT COMPLIES WITH SUBSECTION (1) OF THIS SECTION IS PROVIDED BY THE SHARED CAR DRIVER OR SHARED CAR
OWNER, A CAR SHARING PROGRAM SHALL MAINTAIN INSURANCE THAT PROVIDES COVERAGE MEETING THE REQUIREMENTS OF THIS SECTION AND THAT COVERS A LAPSE IN OR LACK OF COVERAGE OF THE SHARED CAR DRIVER'S OR SHARED CAR OWNER'S INSURANCE, BEGINNING WITH THE FIRST DOLLAR OF A CLAIM AND INCLUDING A DUTY TO DEFEND THE CLAIM.

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

Page 5, line 15, strike "(4)" and substitute "(6)".

Page 6, strike lines 6 and 7 and substitute:

"6-1-1205. Liability - exclusions for personal automobile liability insurance policy - indemnification. (1) (a) Except as provided in subsection (1)(b) of this section, a car sharing program shall assume the liability of a shared car owner for any bodily injury or property damage to third parties, or uninsured and underinsured motorist or personal injury protection losses, caused by the shared car driver during the sharing period up to an amount stated in the car sharing agreement, but not less than the minimum amount of financial responsibility required by article 7 of title 42.

(b) A car sharing program does not assume liability under this subsection (1) for any bodily injury or property damage caused by the shared car owner making an intentional or fraudulent material misrepresentation to the car sharing program before or during the sharing period in which the loss occurred.

(2) An authorized insurer may exclude".

Renumber succeeding subsection accordingly.

Page 7, line 16, strike "CAR OWNER OR" and substitute "CAR OWNER;".

Page 7, line 17, strike "INSURER." and substitute "INSURER; OR AS REQUIRED BY AN AIRPORT CONCESSION AGREEMENT.".

Page 10, strike lines 7 through 27.
"6-1-1213. Safety recalls. (1) When a shared car owner registers a shared car with a car sharing program and before the shared car is available for car sharing, the car sharing program shall:

(a) Verify that the shared car does not have any open safety recalls for which the repairs have not been made; and

(b) Notify the shared car owner of the requirements under subsection (2) of this section.

(2) If the shared car owner has actual notice of a safety recall on the shared car, a shared car owner shall not make the shared car available with a car sharing program until the safety recall repair has been made.

(3) If a shared car owner has actual notice of a safety recall on a shared car while available for sharing with a car sharing program, the shared car owner shall remove the shared car's availability with the car sharing program:

(a) As soon as practicable, but no later than seventy-two hours, after receiving the notice of the safety recall; and

(b) Until the safety recall repair has been made.

(4) If a shared car owner has actual notice of a safety recall during the sharing period, the shared car owner shall notify both the shared car driver and the car sharing program about the safety recall.

6-1-1214. Operation at airports. (1) If an airport operator within Colorado requests that a car sharing program enter into an airport concession agreement, a car sharing platform shall enter into an agreement before enabling car sharing within fifteen miles of the terminal of that airport.

(2) A shared car owner offering three or more shared cars to shared car drivers within fifteen miles of the terminal of an airport shall enter into an airport concession agreement upon request by the airport.

(3) An airport concession agreement may impose the same taxes and fees as are imposed on other rental car programs operating at that airport.

(4) If a car sharing program or shared car owner violates this section, the affected airport may petition a court for the following and the court may award the following from the violator:
(a) An injunction prohibiting the violator from car sharing in Colorado;
(b) compensatory damages; and
(c) punitive damages.".