

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0683.02 Jery Payne x2157

SENATE BILL 19-090

SENATE SPONSORSHIP

Scott, Donovan

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE OPERATION OF PEER-TO-PEER MOTOR VEHICLE**
102 **SHARING BUSINESSES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill regulates peer-to-peer car sharing programs, including the following:

- ! Requires the shared car to be covered by insurance from the owner, driver, or program;
- ! Makes the insurance that satisfies the required coverage the primary insurance;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! Requires the car sharing program to notify the car owner that sharing the car may violate any lien on the car;
- ! Authorizes the shared car owner's insurer to exclude coverage when the car is being used in a car sharing program, and gives the insurer a right of contribution for any claims made as a result of the car sharing;
- ! Prohibits an insurer from refusing to insure a shared car outside the sharing solely because the car covered under the policy has been made available for car sharing unless the car owner fails to provide complete and accurate information;
- ! Sets record-keeping requirements;
- ! Clarifies that the car sharing program and a shared car owner are covered by the exemption set forth in federal law exempting rental companies from vicarious liability based on ownership of the car;
- ! Authorizes a car sharing program to be the named insured for a shared car;
- ! Requires the program to make certain disclosures and provide an emergency telephone number;
- ! Requires the program to verify that the driver is licensed to drive and keep records of this verification;
- ! Makes the program responsible for any equipment installed on the car for sharing purposes; and
- ! Requires the program and the car owner, when there is a safety recall on the car, to remove the car from the program until the car is repaired.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 12 to article
3 1 of title 6 as follows:

4 PART 12

5 PEER-TO-PEER CAR SHARING ACT

6 **6-1-1201. Short title.** THE SHORT TITLE OF THIS PART 12 IS THE
7 "COLORADO PEER-TO-PEER CAR SHARING ACT".

8 **6-1-1202. Definitions.** AS USED IN THIS PART 12, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "CAR" MEANS A MOTOR VEHICLE AS DEFINED IN SECTION

1 42-1-102 (58).

2 (2) "CAR SHARING" MEANS THE AUTHORIZED USE OF A SHARED
3 CAR BY PERSONS OTHER THAN THE SHARED CAR'S OWNER, FACILITATED BY
4 A CAR SHARING PROGRAM.

5 (3) (a) "CAR SHARING AGREEMENT" MEANS THE TERMS AND
6 CONDITIONS THAT APPLY TO A SHARED CAR OWNER AND A SHARED CAR
7 DRIVER AND THAT GOVERN THE USE OF A SHARED CAR.

8 (b) "CAR SHARING AGREEMENT" EXCLUDES A RENTAL AGREEMENT
9 AS DEFINED IN SECTION 6-1-201.

10 (4) (a) "CAR SHARING PROGRAM" MEANS A PERSON THAT IS IN THE
11 BUSINESS OF OPERATING AN ONLINE PLATFORM TO CONNECT THIRD-PARTY
12 VEHICLE OWNERS WITH THIRD-PARTY VEHICLE DRIVERS TO ENABLE
13 PEER-TO-PEER CAR SHARING WITHIN COLORADO.

14 (b) "CAR SHARING PROGRAM" EXCLUDES:

15 (I) THE REGISTERED OWNER OF THE CAR INVOLVED IN CAR
16 SHARING FACILITATED BY A CAR SHARING PROGRAM; AND

17 (II) A LESSOR AS DEFINED IN SECTION 6-1-201.

18 (5) "DELIVERY PERIOD" MEANS THE TIME WHEN A SHARED CAR IS
19 BEING DELIVERED TO THE LOCATION OF THE CAR SHARING START TIME, AS
20 DOCUMENTED BY THE GOVERNING CAR SHARING AGREEMENT.

21 (6) (a) "SHARED CAR" MEANS A MOTOR VEHICLE THAT IS
22 AVAILABLE FOR SHARING THROUGH A CAR SHARING PROGRAM BUT IS NOT
23 USED EXCLUSIVELY FOR CAR SHARING.

24 (b) "SHARED CAR" EXCLUDES A RENTAL MOTOR VEHICLE AS
25 DEFINED IN SECTION 6-1-201.

26 (7) (a) "SHARED CAR DRIVER" MEANS AN INDIVIDUAL WHO HAS
27 BEEN AUTHORIZED TO DRIVE THE SHARED CAR BY A CAR SHARING

1 PROGRAM UNDER A CAR SHARING AGREEMENT.

2 (b) "SHARED CAR DRIVER" EXCLUDES A LESSEE AS DEFINED IN
3 SECTION 6-1-201.

4 (8) "SHARED CAR OWNER" MEANS A PERSON THAT MAKES A
5 SHARED CAR AVAILABLE FOR SHARING TO SHARED CAR DRIVERS THROUGH
6 A CAR SHARING PROGRAM.

7 (9) "SHARING PERIOD" MEANS THE TIME THAT BEGINS AT THE
8 SHARING START TIME AND ENDS AT THE SHARING TERMINATION TIME.

9 (10) "SHARING START TIME" MEANS THE TIME WHEN A SHARED
10 CAR DRIVER TAKES POSSESSION AND CONTROL OF THE SHARED CAR. THE
11 SHARING START TIME MAY BE AT OR AFTER THE TIME THE RESERVATION OF
12 A SHARED CAR IS SCHEDULED TO BEGIN UNDER A CAR SHARING
13 AGREEMENT.

14 (11) "SHARING TERMINATION TIME" MEANS:

15 (a) THE TIME WHEN THE SHARED CAR IS RETURNED TO THE
16 LOCATION DESIGNATED BY THE SHARED CAR OWNER THROUGH A CAR
17 SHARING PROGRAM; AND

18 (b) THE EARLIEST OF THE FOLLOWING EVENTS:

19 (I) THE EXPIRATION OF THE AGREED PERIOD OF TIME ESTABLISHED
20 FOR THE USE OF A SHARED CAR IN THE GOVERNING CAR SHARING
21 AGREEMENT;

22 (II) THE INTENT TO TERMINATE THE USE OF THE SHARED CAR IS
23 VERIFIABLY COMMUNICATED BY THE SHARED CAR DRIVER TO THE SHARED
24 CAR OWNER THROUGH THE CAR SHARING PROGRAM; OR

25 (III) THE SHARED CAR OWNER, OR THE SHARED CAR OWNER'S
26 AUTHORIZED DESIGNEE, TAKES POSSESSION AND CONTROL OF THE SHARED
27 CAR.

1 **6-1-1203. Insurance coverage during car sharing period.** (1) A

2 CAR SHARING PROGRAM SHALL ENSURE THAT, DURING EACH SHARING
3 PERIOD, THE SHARED CAR IS INSURED UNDER AN AUTOMOBILE LIABILITY
4 INSURANCE POLICY THAT:

5 (a) RECOGNIZES THAT THE CAR INSURED UNDER THE POLICY IS A
6 SHARED CAR; AND

7 (b) PROVIDES INSURANCE COVERAGE THAT IS NOT LESS THAN THE
8 MINIMUM AMOUNT OF FINANCIAL RESPONSIBILITY REQUIRED BY ARTICLE
9 7 OF TITLE 42.

10 (2) THE FINANCIAL RESPONSIBILITY REQUIRED IN SUBSECTION (1)
11 OF THIS SECTION MAY BE SATISFIED BY AUTOMOBILE LIABILITY INSURANCE
12 THAT IS AT LEAST THE MINIMUM AMOUNT OF FINANCIAL RESPONSIBILITY
13 REQUIRED BY ARTICLE 7 OF TITLE 42 AND THAT IS MAINTAINED BY ANY
14 ONE OR A COMBINATION OF THE FOLLOWING:

15 (a) A SHARED CAR OWNER;

16 (b) A SHARED CAR DRIVER; OR

17 (c) A CAR SHARING PROGRAM.

18 (3) THE INSURANCE DESCRIBED IN SUBSECTION (2) OF THIS
19 SECTION THAT SATISFIES THE INSURANCE REQUIREMENT IN SUBSECTION (1)
20 OF THIS SECTION IS THE PRIMARY COVERAGE DURING THE SHARING PERIOD.

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

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

5 (6) THIS SECTION DOES NOT:

6 (a) LIMIT THE LIABILITY OF THE CAR SHARING PROGRAM FOR AN
7 ACT OR OMISSION OF THE CAR SHARING PROGRAM THAT RESULTS IN
8 BODILY INJURY TO ANY PERSON AS A RESULT OF THE USE OF A SHARED
9 VEHICLE THROUGH A CAR SHARING PROGRAM; OR

10 (b) LIMIT THE ABILITY OF THE CAR SHARING PROGRAM TO
11 CONTRACT FOR INDEMNIFICATION FROM THE SHARED CAR OWNER OR THE
12 SHARED CAR DRIVER FOR ECONOMIC LOSS SUSTAINED BY THE CAR
13 SHARING PROGRAM CAUSED BY A BREACH OF THE TERMS AND CONDITIONS
14 OF THE CAR SHARING AGREEMENT.

15 **6-1-1204. Notification of implications of lien.** WHEN A CAR
16 OWNER REGISTERS AS A SHARED CAR OWNER ON A CAR SHARING PROGRAM
17 AND BEFORE THE SHARED CAR IS MADE AVAILABLE FOR CAR SHARING, THE
18 CAR SHARING PROGRAM SHALL NOTIFY THE SHARED CAR OWNER THAT, IF
19 THE SHARED CAR HAS A LIEN AGAINST IT, THE USE OF THE SHARED CAR
20 THROUGH A CAR SHARING PROGRAM, INCLUDING USE WITHOUT PHYSICAL
21 DAMAGE COVERAGE, MAY VIOLATE THE TERMS OF THE CONTRACT WITH
22 THE LIENHOLDER.

23 **6-1-1205. Liability - exclusions for personal automobile**
24 **liability insurance policy - indemnification.** (1) (a) EXCEPT AS
25 PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, A CAR SHARING
26 PROGRAM SHALL ASSUME THE LIABILITY OF A SHARED CAR OWNER FOR
27 ANY BODILY INJURY OR PROPERTY DAMAGE TO THIRD PARTIES, OR

1 UNINSURED AND UNDERINSURED MOTORIST OR PERSONAL INJURY
2 PROTECTION LOSSES, CAUSED BY THE SHARED CAR DRIVER DURING THE
3 SHARING PERIOD UP TO AN AMOUNT STATED IN THE CAR SHARING
4 AGREEMENT, BUT NOT LESS THAN THE MINIMUM AMOUNT OF FINANCIAL
5 RESPONSIBILITY REQUIRED BY ARTICLE 7 OF TITLE 42.

6 (b) A CAR SHARING PROGRAM DOES NOT ASSUME LIABILITY UNDER
7 THIS SUBSECTION (1) FOR ANY BODILY INJURY OR PROPERTY DAMAGE
8 CAUSED BY THE SHARED CAR OWNER MAKING AN INTENTIONAL OR
9 FRAUDULENT MATERIAL MISREPRESENTATION TO THE CAR SHARING
10 PROGRAM BEFORE OR DURING THE SHARING PERIOD IN WHICH THE LOSS
11 OCCURRED.

12 (2) AN AUTHORIZED INSURER MAY EXCLUDE COVERAGE AND THE
13 DUTY TO DEFEND OR INDEMNIFY FOR ANY CLAIM UNDER A SHARED CAR
14 OWNER'S PERSONAL AUTOMOBILE LIABILITY INSURANCE POLICY. THIS
15 PART 12 DOES NOT INVALIDATE OR LIMIT AN EXCLUSION CONTAINED IN AN
16 AUTOMOBILE LIABILITY INSURANCE POLICY, INCLUDING ANY INSURANCE
17 POLICY THAT EXCLUDES COVERAGE FOR MOTOR VEHICLES MADE
18 AVAILABLE FOR RENT, SHARING, HIRE, OR BUSINESS USE.

19 (3) AN AUTOMOBILE INSURER OF THE SHARED CAR OWNER THAT
20 DEFENDS OR INDEMNIFIES A SHARED CAR CLAIM HAS THE RIGHT TO
21 CONTRIBUTION AGAINST THE INSURER OF THE SHARED CAR PROGRAM IF
22 THE CLAIM IS:

23 (a) MADE AGAINST THE SHARED CAR OWNER OR THE SHARED CAR
24 DRIVER FOR DAMAGES OCCURRING DURING THE SHARING PERIOD; AND

25 (b) EXCLUDED UNDER THE TERMS OF THE SHARED CAR OWNER'S
26 INSURANCE POLICY.

27 **6-1-1206. Prohibition on cancellation of coverage for car**

1 **sharing - contribution against indemnification.** (1) EXCEPT AS
2 PROVIDED IN SUBSECTION (2) OF THIS SECTION, AN AUTOMOBILE INSURER
3 SHALL NOT REFUSE TO ISSUE OR RENEW, DENY, CANCEL, VOID, TERMINATE,
4 OR RESCIND A POLICY OF PERSONAL PRIVATE AUTOMOBILE LIABILITY
5 INSURANCE OF A SHARED CAR OWNER SOLELY ON THE BASIS THAT THE CAR
6 COVERED UNDER THE POLICY HAS BEEN MADE AVAILABLE FOR CAR
7 SHARING.

8 (2) AN AUTOMOBILE INSURER MAY REFUSE TO ISSUE OR RENEW,
9 DENY, CANCEL, VOID, TERMINATE, OR RESCIND A POLICY OF PERSONAL
10 PRIVATE AUTOMOBILE LIABILITY INSURANCE COVERING A SHARED CAR IF
11 THE APPLICANT OR POLICYHOLDER FAILS TO PROVIDE COMPLETE AND
12 ACCURATE INFORMATION ABOUT THE USE OF THE SHARED CAR THROUGH
13 THE CAR SHARING PROGRAM AS REQUESTED BY THE AUTOMOBILE INSURER
14 DURING THE APPLICATION OR RENEWAL PROCESS.

15 **6-1-1207. Record keeping.** A CAR SHARING PROGRAM SHALL
16 COLLECT AND VERIFY RECORDS CONCERNING THE USE OF A VEHICLE,
17 INCLUDING TIMES USED, FEES PAID BY THE SHARED CAR DRIVER, AND
18 REVENUES RECEIVED BY THE SHARED CAR OWNER. A CAR SHARING
19 PROGRAM SHALL PROVIDE THESE RECORDS UPON REQUEST TO THE SHARED
20 CAR OWNER; TO FACILITATE A CLAIM INVESTIGATION, TO THE SHARED CAR
21 OWNER'S INSURER OR THE SHARED CAR DRIVER'S INSURER; OR AS
22 REQUIRED BY AN AIRPORT CONCESSION AGREEMENT. THE CAR SHARING
23 PROGRAM SHALL RETAIN THESE RECORDS FOR AT LEAST THE DURATION OF
24 THE APPLICABLE PERSONAL INJURY STATUTE OF LIMITATIONS.

25 **6-1-1208. Federal law - vicarious liability.** A CAR SHARING
26 PROGRAM AND A SHARED CAR OWNER ARE EXEMPT FROM VICARIOUS
27 LIABILITY IN ACCORDANCE WITH 49 U.S.C. SEC. 30106 AND UNDER ANY

1 STATE OR LOCAL LAW THAT IMPOSES LIABILITY BASED ONLY ON VEHICLE
2 OWNERSHIP.

3 **6-1-1209. Insurable interest.** A CAR SHARING PROGRAM SHALL
4 HAVE AN INSURABLE INTEREST IN A SHARED CAR DURING THE SHARING
5 PERIOD. THIS SECTION DOES NOT CREATE LIABILITY FOR A CAR SHARING
6 PROGRAM FOR FAILURE TO MAINTAIN THE INSURANCE COVERAGE
7 REQUIRED IN SECTION 6-1-1203 IF INSURANCE COVERAGE IS MAINTAINED
8 IN COMPLIANCE WITH SECTION 6-1-1203 BY THE SHARED CAR DRIVER OR
9 THE SHARED CAR OWNER.

10 **6-1-1210. Required disclosures and notices.** (1) A CARSHARING
11 PROGRAM SHALL, FOR EACH SHARED CAR PARTICIPATING IN A CAR
12 SHARING AGREEMENT ON ITS PLATFORM, DO ALL OF THE FOLLOWING:

13 (a) PROVIDE THE SHARED CAR OWNER AND THE SHARED CAR
14 DRIVER WITH THE TERMS AND CONDITIONS OF THE CAR SHARING
15 AGREEMENT;

16 (b) DISCLOSE TO THE SHARED CAR DRIVER ANY COSTS OR FEES
17 THAT ARE CHARGED TO THE SHARED CAR DRIVER UNDER THE CAR SHARING
18 AGREEMENT;

19 (c) DISCLOSE TO THE SHARED CAR OWNER ANY COSTS OR FEES
20 THAT ARE CHARGED TO THE SHARED CAR OWNER UNDER THE CAR SHARING
21 AGREEMENT;

22 (d) PROVIDE AN EMERGENCY TELEPHONE NUMBER FOR A PERSON
23 CAPABLE OF FACILITATING ROADSIDE ASSISTANCE TO THE SHARED CAR
24 DRIVER;

25 (e) DISCLOSE ANY RIGHT OF THE CAR SHARING PROGRAM TO SEEK
26 INDEMNIFICATION FROM THE SHARED CAR OWNER OR THE SHARED CAR
27 DRIVER FOR ECONOMIC LOSS SUSTAINED BY THE CAR SHARING PROGRAM

1 CAUSED BY A BREACH OF THE CAR SHARING AGREEMENT;

2 (f) DISCLOSE THAT AN AUTOMOBILE LIABILITY INSURANCE POLICY
3 ISSUED TO THE SHARED CAR OWNER FOR THE SHARED CAR OR TO THE
4 SHARED CAR DRIVER DOES NOT PROVIDE A DEFENSE OR INDEMNIFICATION
5 FOR ANY CLAIM ASSERTED BY THE CAR SHARING PROGRAM;

6 (g) DISCLOSE THAT THE CAR SHARING PROGRAM'S INSURANCE
7 COVERAGE ON THE SHARED CAR OWNER AND THE SHARED CAR DRIVER IS
8 IN EFFECT ONLY DURING EACH SHARING PERIOD AND THAT THE SHARED
9 CAR MAY NOT HAVE INSURANCE COVERAGE FOR USE OF THE SHARED CAR
10 BY THE SHARED CAR DRIVER AFTER THE SHARING TERMINATION TIME;

11 (h) DISCLOSE ANY INSURANCE OR PROTECTION PACKAGE COSTS
12 THAT ARE CHARGED TO THE SHARED CAR OWNER OR THE SHARED CAR
13 DRIVER; AND

14 (i) DISCLOSE THAT THE SHARED CAR OWNER'S AUTOMOBILE
15 LIABILITY INSURANCE MIGHT NOT PROVIDE COVERAGE FOR A SHARED CAR.

16 **6-1-1211. Driver's license verification and data retention.**

17 (1) A CAR SHARING PROGRAM SHALL NOT ENTER INTO A CAR SHARING
18 AGREEMENT WITH A CAR SHARING DRIVER UNLESS THE DRIVER:

19 (a) HOLDS A DRIVER'S LICENSE, ISSUED UNDER ARTICLE 2 OF TITLE
20 42, THAT AUTHORIZES THE DRIVER TO OPERATE CARS OF THE CLASS OF THE
21 SHARED CAR; OR

22 (b) IS A NONRESIDENT WHO IS EXEMPT FROM LICENSURE UNDER
23 SECTION 42-2-102.

24 (2) A CAR SHARING PROGRAM SHALL KEEP A RECORD OF:

25 (a) THE NAME AND ADDRESS OF THE SHARED CAR DRIVER;

26 (b) THE NUMBER OF THE DRIVER'S LICENSE OF EACH SHARED CAR
27 DRIVER; AND

1 (c) THE DATE AND PLACE OF ISSUANCE OF THE DRIVER'S LICENSE.

2 **6-1-1212. Responsibility for equipment.** A CAR SHARING
3 PROGRAM IS RESPONSIBLE FOR ANY EQUIPMENT, INCLUDING A GPS
4 SYSTEM, THAT IS PUT IN OR ON THE CAR TO MONITOR OR FACILITATE THE
5 CAR SHARING TRANSACTION. A CAR SHARING PROGRAM SHALL INDEMNIFY
6 AND HOLD HARMLESS THE SHARED CAR OWNER FOR ANY DAMAGE TO OR
7 THEFT OF THE EQUIPMENT DURING THE SHARING PERIOD, UNLESS CAUSED
8 BY THE SHARED CAR OWNER. THE CAR SHARING PROGRAM HAS THE RIGHT
9 TO BE INDEMNIFIED FROM THE SHARED CAR DRIVER FOR ANY LOSS OR
10 DAMAGE TO THE EQUIPMENT THAT OCCURS DURING THE SHARING PERIOD.

11 **6-1-1213. Safety recalls. (1) WHEN A SHARED CAR OWNER**
12 REGISTERS A SHARED CAR WITH A CAR SHARING PROGRAM AND BEFORE
13 THE SHARED CAR IS AVAILABLE FOR CAR SHARING, THE CAR SHARING
14 PROGRAM SHALL:

15 (a) VERIFY THAT THE SHARED CAR DOES NOT HAVE ANY OPEN
16 SAFETY RECALLS FOR WHICH THE REPAIRS HAVE NOT BEEN MADE; AND

17 (b) NOTIFY THE SHARED CAR OWNER OF THE REQUIREMENTS
18 UNDER SUBSECTION (2) OF THIS SECTION.

19 (2) IF THE SHARED CAR OWNER HAS ACTUAL NOTICE OF A SAFETY
20 RECALL ON THE SHARED CAR, A SHARED CAR OWNER SHALL NOT MAKE THE
21 SHARED CAR AVAILABLE WITH A CAR SHARING PROGRAM UNTIL THE
22 SAFETY RECALL REPAIR HAS BEEN MADE.

23 (3) IF A SHARED CAR OWNER HAS ACTUAL NOTICE OF A SAFETY
24 RECALL ON A SHARED CAR WHILE AVAILABLE FOR SHARING WITH A CAR
25 SHARING PROGRAM, THE SHARED CAR OWNER SHALL REMOVE THE SHARED
26 CAR'S AVAILABILITY WITH THE CAR SHARING PROGRAM:

27 (a) AS SOON AS PRACTICABLE, BUT NO LATER THAN SEVENTY-TWO

1 HOURS, AFTER RECEIVING THE NOTICE OF THE SAFETY RECALL; AND

2 (b) UNTIL THE SAFETY RECALL REPAIR HAS BEEN MADE.

3 (4) IF A SHARED CAR OWNER HAS ACTUAL NOTICE OF A SAFETY
4 RECALL DURING THE SHARING PERIOD, THE SHARED CAR OWNER SHALL
5 NOTIFY BOTH THE SHARED CAR DRIVER AND THE CAR SHARING PROGRAM
6 ABOUT THE SAFETY RECALL.

7 **6-1-1214. Operation at airports. (1) IF AN AIRPORT OPERATOR**
8 **WITHIN COLORADO REQUESTS THAT A CAR SHARING PROGRAM ENTER INTO**
9 **AN AIRPORT CONCESSION AGREEMENT, A CAR SHARING PLATFORM SHALL**
10 **ENTER INTO AN AGREEMENT BEFORE ENABLING CAR SHARING WITHIN**
11 **FIFTEEN MILES OF THE TERMINAL OF THAT AIRPORT.**

12 (2) A SHARED CAR OWNER OFFERING THREE OR MORE SHARED
13 CARS TO SHARED CAR DRIVERS WITHIN FIFTEEN MILES OF THE TERMINAL
14 OF AN AIRPORT SHALL ENTER INTO AN AIRPORT CONCESSION AGREEMENT
15 UPON REQUEST BY THE AIRPORT.

16 (3) AN AIRPORT CONCESSION AGREEMENT MAY IMPOSE THE SAME
17 TAXES AND FEES AS ARE IMPOSED ON OTHER RENTAL CAR PROGRAMS
18 OPERATING AT THAT AIRPORT.

19 (4) IF A CAR SHARING PROGRAM OR SHARED CAR OWNER VIOLATES
20 THIS SECTION, THE AFFECTED AIRPORT MAY PETITION A COURT FOR THE
21 FOLLOWING AND THE COURT MAY AWARD THE FOLLOWING FROM THE
22 VIOLATOR:

23 (a) AN INJUNCTION PROHIBITING THE VIOLATOR FROM CAR
24 SHARING IN COLORADO;

25 (b) COMPENSATORY DAMAGES; AND

26 (c) PUNITIVE DAMAGES.

27 **SECTION 2. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
2 the expiration of the ninety-day period after final adjournment of the
3 general assembly (August 2, 2019, if adjournment sine die is on May 3,
4 2019); except that, if a referendum petition is filed pursuant to section 1
5 (3) of article V of the state constitution against this act or an item, section,
6 or part of this act within such period, then the act, item, section, or part
7 will not take effect unless approved by the people at the general election
8 to be held in November 2020 and, in such case, will take effect on the
9 date of the official declaration of the vote thereon by the governor.

10 (2) This act applies to car sharing that occurs on or after the
11 applicable effective date of this act.