

Personal Vehicle Sharing (OR)

This Act defines personal vehicle sharing as the use of a private passenger motor vehicle by people other than the vehicle's registered owner in connection with a personal vehicle sharing program. It defines a personal vehicle sharing program as a legal entity qualified to do business in the state that is engaged in the business of facilitating the sharing of private passenger motor vehicles for noncommercial use by people within the state.

The Act directs that private passenger motor vehicle insured by the vehicle's registered owner under an owner's insurance policy may not be classified as a commercial motor vehicle, for-hire motor vehicle, permissive use motor vehicle or livery solely because the vehicle's registered owner allows the vehicle to be used for personal vehicle sharing if the personal vehicle sharing is conducted under a personal vehicle sharing program and the annual revenue received by the vehicle's registered owner that was generated by the personal vehicle sharing does not exceed the annual expenses of owning and operating the vehicle, including depreciation, interest, lease payments, motor vehicle loan payments, insurance, maintenance, parking, fuel, cleaning, automobile repair and costs associated with personal vehicle sharing, including but not limited to the installation, operation and maintenance of computer hardware and software, signage identifying the vehicle as a personal vehicle sharing vehicle and any fees charged by a personal vehicle sharing program.

Submitted as:

Oregon

[HB 3149 \(Enrolled version\)](#)

Status: Enacted into law in 2011.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as "An Act to Address Personal Vehicle
2 Sharing."

3
4 Section 2. [*Definitions.*] As used in this Act:

5 (1) "Owner's insurance policy" means a private passenger motor vehicle liability insurance
6 policy that includes:

7 (a) All coverage necessary to comply with the financial or future responsibility
8 requirements of [insert citation];

9 (b) The personal injury protection coverage required under [insert citation];

10 (c) The uninsured motorist coverage required under [insert citation]; and

11 (d) Any optional coverage selected by the owner.

12 (2) "Personal vehicle sharing" means the use of a private passenger motor vehicle by people
13 other than the vehicle's registered owner in connection with a personal vehicle sharing program.

14 (3) "Personal vehicle sharing program" means a legal entity qualified to do business in this
15 state engaged in the business of facilitating the sharing of private passenger motor vehicles for
16 noncommercial use by people within this state.

17 (4) "Private passenger motor vehicle" means a [four-wheel passenger or station wagon type
18 motor vehicle] insured under a motor vehicle liability insurance policy covering a single individual
19 or people residing in the same household as the named insured.

20 (5) "Program insurance policy" means a motor vehicle liability insurance policy that is

21 obtained by the personal vehicle sharing program and that:

- 22 (a) Includes all coverage needed to comply with the financial or future responsibility
- 23 requirements of [insert citation];
- 24 (b) Includes the personal injury protection coverage required under [insert citation];
- 25 (c) Includes the uninsured motorist coverage required under [insert citation];
- 26 (d) Includes comprehensive property damage coverage for the vehicle;
- 27 (e) Includes collision property damage coverage for the vehicle; and
- 28 (f) Does not include any other optional coverage selected by the owner of the vehicle
- 29 and included in the owner's insurance policy.

30
31 Section 3. [*Personal Vehicle Sharing Programs.*] For each vehicle that the program
32 facilitates the use of, a personal vehicle sharing program shall:

33 (1) Provide a program insurance policy with coverage for the vehicle, the designated
34 operator of the vehicle and all persons who, with the consent of the named insured, use the motor
35 vehicle insured under the policy. The limits for any coverage included in the program insurance
36 policy that is also included in the owner's insurance policy must be equal to or greater than the
37 coverage limits provided in the owner's insurance policy, as reported to the program by the owner.
38 However, the program may not provide liability coverage that is less than [three times] the limits
39 specified in [insert citation].

40 (2) Provide the vehicle's registered owner with a proof of compliance with the
41 insurance requirements of this section and the financial or future responsibility requirements of
42 [insert citation], a copy of which must be maintained in the vehicle by the vehicle's registered owner
43 at all times when the vehicle is operated by any person other than the vehicle's registered owner
44 pursuant to the program.

45 (3) Collect, maintain and make available to the vehicle's registered owner, the
46 vehicle's registered owner's primary motor vehicle liability insurer and any government agency as
47 required by law, at the cost of the program:

48 (a) Verifiable electronic records that identify the date and time, initial and
49 final locations of the vehicle and miles driven when the vehicle is under the control of a person other
50 than the vehicle's registered owner pursuant to the program; and

51 (b) Any information concerning damages or injuries arising out of personal
52 vehicle sharing pursuant to the program.

53 (4) Not knowingly permit the vehicle to be operated as a commercial vehicle by a
54 personal vehicle sharing user while engaged in personal vehicle sharing. For the purposes of this
55 subsection, "commercial vehicle" has the meaning given that term in [insert citation].

56 (5) Ensure that the vehicle is a private passenger motor vehicle.

57 (6) Facilitate the installation, operation, and maintenance of signage and computer
58 hardware and software necessary for the vehicle to be used in the program.

59 (7) Indemnify the vehicle's registered owner for the cost of damage or theft of
60 equipment installed under subsection (6) of this section and any damage caused to the vehicle by the
61 installation, operation, or maintenance of the equipment.

62 (8) Provide the vehicle's registered owner and any person operating the vehicle
63 pursuant to the program with a disclosure that contains information explaining the requirements of
64 this section.

65
66 Section 4. [*Personal Vehicle Sharing Program Liability.*]

67 (A) Notwithstanding any provision in the owner's insurance policy and [insert citation], in
68 the event of any loss or injury that occurs at any time when the vehicle is under the operation and
69 control of a person, other than the vehicle's registered owner, pursuant to a personal vehicle sharing

70 program, or is otherwise under the control of a personal vehicle sharing program, the program shall
71 assume all liability of the vehicle owner and shall be considered the vehicle owner for all purposes.

72 (B) Nothing in subsection (A) of this section:

73 (1) Limits the liability of a personal vehicle sharing program for any acts or omissions
74 by the program that result in injury to any persons as a result of the use or operation of the program;
75 or

76 (2) Limits the ability of the personal vehicle sharing program to, by contract, seek
77 indemnification from the vehicle's registered owner for any claims paid by the personal vehicle
78 sharing program for any loss or injury resulting from fraud or material misrepresentation in the
79 maintenance of the vehicle by the vehicle's registered owner.

80 (3) A personal vehicle sharing program continues to be liable under subsection (A) of
81 this section until:

82 (a) The vehicle is returned to a location designated by the program; and

83 (b) (I) The expiration of the time period established for the vehicle occurs;

84 (II) The intent to terminate the vehicle's personal vehicle sharing use
85 is verifiably communicated to the program; or

86 (III) The vehicle's registered owner takes possession and control of the
87 vehicle.

88 (4) (a) A personal vehicle sharing program shall assume liability for a claim in
89 which a dispute exists as to who was in control of a private passenger motor vehicle when the loss
90 giving rise to the claim occurred.

91 (b) The insurer of the vehicle shall indemnify the program to the extent of the
92 insurer's obligation under the owner's insurance policy, if it is determined that the vehicle's
93 registered owner was in control of the vehicle at the time of the loss.

94 (5) If a private passenger motor vehicle's registered owner is named as a defendant in
95 a civil action for any loss or injury that occurs at any time when the vehicle is under the operation
96 and control of a person, other than the vehicle's registered owner, pursuant to a personal vehicle
97 sharing program, or is otherwise under the control of a personal vehicle sharing program, the
98 program shall have the duty to defend and indemnify the vehicle's registered owner.

99 (6) Notwithstanding any provision in the owner's insurance policy, while the vehicle
100 is under the operation and control of a person, other than the vehicle's registered owner, pursuant to
101 a personal vehicle sharing program, or is otherwise under the control of a personal vehicle sharing
102 program:

103 (a) The insurer of the vehicle on file with the [department of transportation]
104 may exclude any and all coverage afforded under the insurer's policy; and

105 (b) A primary or excess insurer of the owners, operators, or maintainers of the
106 vehicle may notify an insured that the insurer has no duty to defend or indemnify any person or
107 organization for liability for any loss that occurs during use of the vehicle pursuant to a personal
108 vehicle sharing program.

109 (7) An owner's insurance policy for a private passenger motor vehicle may not be
110 canceled, voided, terminated, rescinded or nonrenewed solely on the basis that the vehicle has been
111 made available for personal vehicle sharing pursuant to a personal vehicle sharing program that is in
112 compliance with the provisions of sections 2 to 5 of this Act.

113
114 Section 5. [*Prohibitions Against Classifying Private Passenger Motor Vehicles as*
115 *Commercial Motor Vehicles.*] A private passenger motor vehicle insured by the vehicle's registered
116 owner under an owner's insurance policy may not be classified as a commercial motor vehicle, for-
117 hire motor vehicle, permissive use motor vehicle, or livery solely because the vehicle's registered
118 owner allows the vehicle to be used for personal vehicle sharing if:

119 (1) The personal vehicle sharing is conducted under a personal vehicle sharing
120 program.

121 (2) The annual revenue received by the vehicle's registered owner that was generated
122 by the personal vehicle sharing does not exceed the annual expenses of owning and operating the
123 vehicle, including depreciation, interest, lease payments, motor vehicle loan payments, insurance,
124 maintenance, parking, fuel, cleaning, automobile repair and costs associated with personal vehicle
125 sharing, including but not limited to the installation, operation and maintenance of computer
126 hardware and software, signage identifying the vehicle as a personal vehicle sharing vehicle and any
127 fees charged by a personal vehicle sharing program.

128
129 Section 6. [*Applicability.*] Sections 2 to 5 of this Act apply to insurance policies issued or
130 renewed on or after the effective date of this Act.

131
132 Section 7. [*Severability.*] [Insert severability clause.]

133
134 Section 8. [*Repealer.*] [Insert repealer clause.]

135
136 Section 9. [*Effective Date.*] [Insert effective date.]