By:  Nevárez H.B. No. 4362

A BILL TO BE ENTITLED

AN ACT

relating to peer-to-peer vehicle sharing platforms, the collection, remittance, and administration of certain taxes on those platforms, and fees collected by those platforms.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 113 to read as follows:

CHAPTER 113. PEER-TO-PEER VEHICLE SHARING PLATFORMS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 113.001.  DEFINITION. In this chapter, "peer-to-peer vehicle sharing platform" means a platform that is in the business of connecting vehicle owners with drivers to enable the sharing of motor vehicles for financial consideration.

SUBCHAPTER B. PLATFORM AGREEMENTS

Sec. 113.051.  REQUIRED DISCLOSURES. A peer-to-peer vehicle sharing platform agreement must state:

(1)  the daily rate, fees, and any protection package or insurance costs that are charged to the shared vehicle owner or the shared vehicle driver; and

(2)  the sharing period.

Sec. 113.052.  CERTAIN FEES. A peer-to-peer vehicle sharing platform may charge a shared vehicle driver a separately stated fee to recover costs incurred by the peer-to-peer vehicle sharing platform from any concession fees paid to a government-owned or government-operated airport or other entity.

SUBCHAPTER C. DUTIES OF PLATFORM AND VEHICLE OWNERS

Sec. 113.101.  DUTIES OF PLATFORM. A peer-to-peer vehicle sharing platform shall verify that a motor vehicle does not have any safety recalls for which repairs have not been made before the motor vehicle is made available for sharing on the platform.

Sec. 113.102.  DUTIES OF VEHICLE OWNER. If a shared vehicle owner receives actual notice of a safety recall on the owner's vehicle after the motor vehicle is made available for sharing on a peer-to-peer vehicle sharing platform, the owner shall

remove the vehicle from the platform until the safety recall repair has been made.

SUBCHAPTER D. INSURANCE COVERAGE

Sec. 113.151.  INSURANCE COVERAGE DURING VEHICLE SHARING PERIOD. (a) A peer-to-peer vehicle sharing platform shall ensure that during each sharing period the shared motor vehicle is covered by a motor vehicle liability insurance policy that recognizes that the motor vehicle is a shared vehicle.

(b)  Coverage required by this section may be provided through:

(1)  a commercial liability policy issued to the peer-to-peer vehicle sharing platform in an amount that is not less than the minimum amount of financial responsibility required under Chapter 601, Transportation Code; or

(2)  a personal liability policy issued to the shared vehicle driver that is not less than the minimum amount of financial responsibility required under Chapter 601, Transportation Code.

Sec. 113.152.  OWNER'S MOTOR VEHICLE INSURANCE. An insurer may not deny, cancel, or nonrenew a motor vehicle liability insurance policy of a shared vehicle owner solely on the basis that a motor vehicle covered under the policy has been made available for sharing through a peer-to-peer vehicle sharing platform.

Sec. 113.153.  DRIVER'S MOTOR VEHICLE INSURANCE. Collision insurance coverage provided under a motor vehicle insurance policy delivered or issued for delivery in this state, including a policy issued by a county mutual insurance company, must cover a passenger vehicle operated by the insured under a peer-to-peer vehicle sharing platform.

SUBCHAPTER D. LIABILITY

Sec. 113.201.  LIABILITY. (a) A peer-to-peer vehicle sharing platform shall assume the liability of a shared vehicle owner for any bodily injury or property damage to third parties during the vehicle sharing period up to the minimum amount of financial responsibility required under Chapter 601, Transportation Code.

(b)  The amount of liability assumed by the peer-to-peer vehicle sharing platform under Subsection (a) must be stated in the peer-to-peer vehicle sharing platform agreement.

SECTION 2.  Section 152.001, Tax Code, is amended by amending Subdivision (9) and adding Subdivision (21) to read as follows:

(9)  "Owner of a motor vehicle" means:

(A)  a person named in the certificate of title as the owner of the vehicle; [~~or~~]

(B)  a person who has the exclusive use of a motor vehicle by reason of a rental and holds the vehicle for re-rental; or

(C)  if the motor vehicle is shared through a peer-to-peer vehicle sharing platform, the peer-to-peer vehicle sharing platform.

(21)  "Peer-to-peer vehicle sharing platform" has the meaning assigned by Section 113.001, Business & Commerce Code.

SECTION 3.  Section 152.045, Tax Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a)  Except as otherwise provided by Subsection (a-1) or another provision of [~~inconsistent with this chapter and rules adopted under~~] this chapter, an owner of a motor vehicle subject to the tax on gross rental receipts shall collect, report, and pay the tax to the comptroller in the same manner as the tax under Chapter 151 [~~Limited Sales, Excise and Use Tax~~] is collected, reported, and paid by a retailer [~~retailers~~] under that chapter [~~Chapter 151 of this code~~].

(a-1)  If the motor vehicle is shared through a peer-to-peer vehicle sharing platform, the peer-to-peer vehicle sharing platform shall collect, report, and pay the tax on gross rental to receipts the comptroller in the manner prescribed by Subsection

(a). SECTION 4.  This Act takes effect September 1, 2019.