

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

1 government-operated airport or other entity.

2 SUBCHAPTER C. DUTIES OF PLATFORM AND VEHICLE OWNERS

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

7 Sec. 113.102. DUTIES OF VEHICLE OWNER. If a shared vehicle  
8 owner receives actual notice of a safety recall on the owner's  
9 vehicle after the motor vehicle is made available for sharing on a  
10 peer-to-peer vehicle sharing platform, the owner shall  
11 remove the vehicle from the platform until the safety recall repair  
12 has been made.

13 SUBCHAPTER D. INSURANCE COVERAGE

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

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

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

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

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

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

12                               SUBCHAPTER D. LIABILITY

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

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

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

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

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

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

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

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

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

12 (a) Except as otherwise provided by Subsection (a-1) or  
13 another provision of [~~inconsistent with this chapter and rules~~  
14 ~~adopted under~~] this chapter, an owner of a motor vehicle subject to  
15 the tax on gross rental receipts shall collect, report, and pay the  
16 tax to the comptroller in the same manner as the tax under Chapter  
17 151 [~~Limited Sales, Excise and Use Tax~~] is collected, reported, and  
18 paid by a retailer [~~retailers~~] under that chapter [~~Chapter 151 of~~  
19 ~~this code~~].

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

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