

House Bill 1463

By: Representatives Williamson of the 112th, Prince of the 132nd, Cannon of the 172nd, and Powell of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 5 of Article 3 of Chapter 1 of Title 40 of the Official Code of Georgia
2 Annotated, relating to peer-to-peer car-sharing program, so as to add damage to the owner's
3 vehicle to the program's liability; to provide for conforming changes; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Part 5 of Article 3 of Chapter 1 of Title 40 of the Official Code of Georgia Annotated,
8 relating to peer-to-peer car-sharing program, is amended by revising subsection (a) of Code
9 Section 40-1-221, relating to assumption of liability and insurance, as follows:

10 "(a)(1) A peer-to-peer car-sharing program shall assume liability, except as provided in
11 paragraph (2) of this subsection, of a shared vehicle owner for any bodily injury or
12 property damage to third parties or damage to the owner's vehicle or an uninsured and
13 underinsured motorist or personal injury protection losses during the car-sharing period
14 in an amount stated in the car-sharing program agreement, which amount may not be less
15 than those set forth in paragraph (1) of subsection (a) of Code Section 33-7-11.

16 (2) The assumption of liability under paragraph (1) of this subsection shall not apply if
 17 a shared vehicle owner:

18 (A) Made an intentional or fraudulent material misrepresentation or omission to the
 19 peer-to-peer car-sharing program before the car-sharing period in which the loss
 20 occurred; or

21 (B) Acted or acts in concert with a shared vehicle driver who fails to return the shared
 22 vehicle pursuant to the terms of the car-sharing program agreement.

23 (3) The assumption of liability under paragraph (1) of this subsection applies to bodily
 24 injury, property damage, damage to the owner's vehicle, and uninsured and underinsured
 25 motorist or personal injury protection losses by damaged third parties as required under
 26 subsection (a) of Code Section 33-7-11."

27 **SECTION 2.**

28 Said part is further amended by revising Code Section 40-1-227, relating to insurable
 29 interests, as follows:

30 "40-1-227.

31 (a) Notwithstanding any other provision of law, a peer-to-peer car-sharing program shall
 32 have an insurable interest in a shared vehicle during the car-sharing period.

33 ~~(b) Except as provided in Code Section 40-1-226, nothing in this part creates a liability on~~
 34 ~~a peer-to-peer car-sharing program to maintain the coverage mandated by this part.~~

35 ~~(c)~~(b) A peer-to-peer car-sharing program may own and maintain as the named insured
 36 one or more policies of motor vehicle liability insurance that provides coverage for:

37 (1) Liabilities assumed by the peer-to-peer car-sharing program under a car-sharing
 38 program agreement;

39 (2) Any liability of the shared vehicle owner;

40 (3) Damage or loss to the shared motor vehicle; or

41 (4) Any liability of the shared vehicle driver.

42 (c)(1) A peer-to-peer car-sharing program shall own and maintain as the named insured
43 a policy of insurance written by an insurer admitted or authorized in this state covering
44 physical damage for collision and comprehensive losses to the shared vehicle during the
45 car-sharing period.

46 (2) The policy of insurance required by this Code section shall apply when such policy
47 maintained by the shared vehicle owner excludes or otherwise does not provide coverage
48 for physical damage for collision and comprehensive losses to the shared vehicle during
49 the car-sharing period.

50 (3) The policy of insurance required by this Code section may:

51 (A) Include a deductible in an amount no greater than \$1,000.00 per occurrence; and

52 (B) Include subrogation rights against a tort-feasor."

53

SECTION 3.

54 All laws and parts of laws in conflict with this Act are repealed.