Citations Affected: IC 6-6; IC 6-8.1; IC 9-25; IC 24-4.

Synopsis: Peer to peer vehicle sharing. Defines peer to peer vehicle sharing. Provides requirements for a peer to peer vehicle sharing program. Provides that a shared vehicle may not be shared on a peer to peer vehicle program if any safety recalls have not been repaired. Provides insurance requirements for a shared vehicle if the vehicle will be shared on a peer to peer vehicle sharing program. Provides that a P2P vehicle sharing program is responsible for maintaining liability insurance coverage during the car sharing period for a vehicle shared through the P2P vehicle sharing program. Provides that a P2P vehicle sharing program shall assume liability of a shared vehicle owner for any bodily injury or property damage to third parties or uninsured and

Effective: July 1, 2019.

Eberhart, VanNatter, Forestal, Lehman

(Senate Sponsor — CRIDER)

January 14, 2019, read first time and referred to Committee on Roads and Transportation.
February 14, 2019, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
February 18, 2019, amended, reported — Do Pass.
February 21, 2019, read second time, ordered engrossed.
February 22, 2019, engrossed.
February 25, 2019, read third time, passed. Yeas 84, nays 12.

Senate Action
March 7, 2019, read first time and referred to Committee on Homeland Security and Transportation.
March 26, 2019, amended, reported favorably — Do Pass; reassigned to Committee on Tax and Fiscal Policy.
underinsured motorist losses during the car sharing period in an amount stated in the car sharing agreement, which may not be less than the minimum amount set forth in the financial responsibility statute. Provides that the bureau of motor vehicles may not suspend the driving privileges of a shared vehicle owner for failure to submit proof of financial responsibility at the time an accident occurred if the vehicle was shared through a peer to peer vehicle sharing program at the time the accident occurred. Imposes the peer to peer vehicle sharing excise tax for passenger motor vehicles and trucks shared through a peer to peer vehicle sharing program. Exempts a passenger motor vehicle or truck from the auto rental excise tax if the passenger motor vehicle or truck is shared through a peer to peer vehicle sharing program. Authorizes the Evansville legislative body to adopt an ordinance to impose the Vanderburgh County supplemental auto rental excise tax on passenger motor vehicles shared through a peer to peer vehicle sharing program. Authorizes the Marion County city-county council to adopt an ordinance to impose the Marion County supplemental auto rental excise tax on passenger motor vehicles shared through a peer to peer vehicle sharing program. Provides that a political subdivision may not enact or enforce an ordinance, resolution, policy, or rule to regulate peer to peer vehicle sharing. Allows the board of an airport authority or a board of aviation commissioners to enact or enforce an ordinance, resolution, policy, or rule regulating P2P vehicle sharing.
ENGROSSED

HOUSE BILL No. 1362

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 6-6-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The rental of a truck is exempt from the auto rental excise tax if the declared gross weight of the truck being rented exceeds eleven thousand (11,000) pounds. (b) The rental of a passenger motor vehicle or truck by a funeral director licensed under IC 25-15 is exempt from the auto rental excise tax if the rental is part of the services provided by the director for a funeral. (c) The sharing of a passenger motor vehicle or truck through a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4) is exempt from the auto rental excise tax.

SECTION 2. IC 6-6-9.5-7, AS ADDED BY P.L.214-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The legislative body of the most populous city in the county may adopt an ordinance to impose an excise tax, known as the county supplemental auto rental excise tax, upon the rental of passenger motor vehicles in the county for periods of less than

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thirty (30) days. The ordinance must specify that the tax expires December 31, 2036.

(b) Except as provided in subsection (c), the county supplemental auto rental excise tax that may be imposed upon the rental of a passenger motor vehicle is two percent (2%) of the gross retail income received by the retail merchant for the rental.

(c) The county supplemental auto rental excise tax does not apply to the sharing of passenger motor vehicles through a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4) in the county unless the legislative body of the most populous city in the county adopts an ordinance to impose the tax as provided in this section. The legislative body of the most populous city in the county may adopt an ordinance to impose the county supplemental auto rental excise tax on the sharing of passenger motor vehicles registered in the county for purposes of IC 6-6-5 through a peer to peer vehicle sharing program. The amount of the tax is equal to:

1. the gross retail income received by the shared vehicle owner (as defined in IC 24-4-9.2-8) for the sharing of the passenger motor vehicle; multiplied by
2. one percent (1%).

The ordinance must specify that the ordinance expires December 31, 2036.

(d) If the city legislative body adopts an ordinance under subsection (a) or (c), the city legislative body shall immediately send a certified copy of the ordinance to the commissioner of the department.

(e) If the city legislative body adopts an ordinance under subsection (a) before June 1 of a year, the county supplemental auto rental excise tax applies to auto rentals after June 30 of the year in which the ordinance is adopted. If the city legislative body adopts an ordinance under subsection (a) or (c) on or after June 1 of a year, the county supplemental auto rental excise tax applies to auto rentals after the last day of the month in which the ordinance is adopted.

SECTION 3. IC 6-6-9.7-7, AS AMENDED BY P.L.205-2013, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The city-county council of a county that contains a consolidated city may adopt an ordinance to impose an excise tax, known as the county supplemental auto rental excise tax, upon the rental of passenger motor vehicles and trucks in the county for periods of less than thirty (30) days. The ordinance must specify that the tax expires December 31, 2027.

(b) Except as provided in subsection subsections (c) and (f), the
county supplemental auto rental excise tax that may be imposed upon
the rental of a passenger motor vehicle or truck equals two percent
(2%) of the gross retail income received by the retail merchant for the
rental.

(c) On or before June 30, 2005, the city-county council may, by
ordinance adopted by a majority of the members elected to the
city-county council, increase the tax imposed under subsection (a) from
two percent (2%) to four percent (4%). The ordinance must specify
that:

(1) if on December 31, 2027, there are obligations owed by the
capital improvement board of managers to the Indiana stadium
and convention building authority or any state agency under
IC 5-1-17-26, the original two percent (2%) rate imposed under
subsection (a) continues to be levied after its original expiration
date set forth in subsection (a) and through December 31, 2040;
and
(2) the additional rate authorized under this subsection expires on:
   (A) January 1, 2041;
   (B) January 1, 2010, if on that date there are no obligations
       owed by the capital improvement board of managers to the
       Indiana stadium and convention building authority or to any
       state agency under IC 5-1-17-26; or
   (C) October 1, 2005, if on that date there are no obligations
       owed by the capital improvement board of managers to the
       Indiana stadium and convention building authority or to any
       state agency under a lease or a sublease of an existing capital
       improvement entered into under IC 5-1-17, unless waived by
       the budget director.

(d) The amount collected from that portion of county supplemental
auto rental excise tax imposed under:
   (1) subsection (b) and collected after December 31, 2027; and
   (2) subsection (c); and
   (3) subsection (f);
shall, in the manner provided by section 11 of this chapter, be
distributed to the capital improvement board of managers operating in
a consolidated city or its designee. So long as there are any current or
future obligations owed by the capital improvement board of managers
to the Indiana stadium and convention building authority created by
IC 5-1-17 or any state agency pursuant to a lease or other agreement
entered into between the capital improvement board of managers and
the Indiana stadium and convention building authority or any state
agency under IC 5-1-17-26, the capital improvement board of managers

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or its designee shall deposit the revenues received under this subsection in a special fund, which may be used only for the payment of the obligations described in this subsection.

(e) After January 1, 2013, and before March 1, 2013, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the tax rate imposed under subsection (a) by not more than two percent (2%). The amount collected from an increase adopted under this subsection shall be deposited in the sports and convention facilities operating fund established by IC 36-7-31-16. An increase in the tax rate under this subsection continues in effect unless the increase is rescinded. However, any increase in the tax rate under this subsection may not continue in effect after February 28, 2023.

(f) The county supplemental auto rental excise tax does not apply to the sharing of passenger motor vehicles or trucks through a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4) in the county unless the city-county council adopts an ordinance, by a majority of the members elected to the city-county council, to impose the tax as provided in this section. The city-county council may adopt an ordinance to impose the county supplemental auto rental excise tax on the sharing of passenger motor vehicles or trucks registered in the county for purposes of IC 6-6-5 through a peer to peer vehicle sharing program. The amount of the tax is equal to:

(1) the gross retail income received by the shared vehicle owner (as defined in IC 24-4-9.2-8) for the sharing of the passenger motor vehicle or truck; multiplied by

(2) one percent (1%).

The ordinance must specify that the ordinance expires December 31, 2027.

(ghi) If a city-county council adopts an ordinance under subsection (a), (c), or (e), the city-county council shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.

(i) If a city-county council adopts an ordinance under subsection (a), (c), or (f) on or before the fifteenth day of a month, the county supplemental auto rental excise tax applies to auto rentals after the last day of the month in which the ordinance is adopted. If the city-county council adopts an ordinance under subsection (a), (c), or (f) after the fifteenth day of a month, the county supplemental auto rental excise tax applies to auto rentals after the last day of the month following the month in which the ordinance is adopted.
SECTION 4. IC 6-6-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 16. Peer to Peer Vehicle Sharing Excise Tax

Sec. 1. The following definitions apply throughout this chapter:

1. "Department" refers to the department of state revenue.
2. "Gross retail income" has the meaning set forth in IC 6-2.5-1-5, except that the term does not include taxes imposed under IC 6-2.5.
3. "Passenger motor vehicle" has the meaning set forth in IC 9-13-2-123.
4. "Peer to peer vehicle sharing program" has the meaning set forth in IC 24-4-9.2-4.
5. "Person" has the meaning set forth in IC 24-4-9.2-7.
6. "Shared vehicle owner" has the meaning set forth in IC 24-4-9.2-8.
7. "Truck" has the meaning set forth in IC 9-13-2-188(a).

Sec. 2. (a) An excise tax, known as the peer to peer vehicle sharing excise tax, is imposed upon the sharing of passenger motor vehicles and trucks in Indiana for periods of less than thirty (30) days if a peer to peer vehicle sharing program accepts payment for the sharing from a shared vehicle driver who shares the passenger motor vehicle or truck.

(b) The peer to peer vehicle sharing excise tax imposed upon the sharing of a passenger motor vehicle or truck equals:

1. the gross retail income received by the shared vehicle owner for the sharing of the passenger motor vehicle or truck; multiplied by
2. two percent (2%).

Sec. 3. (a) The sharing of a truck is exempt from the peer to peer vehicle sharing excise tax if the declared gross weight of the truck being shared exceeds eleven thousand (11,000) pounds.

(b) The sharing of a passenger motor vehicle or truck by a funeral director licensed under IC 25-15 is exempt from the peer to peer vehicle sharing excise tax if the sharing is part of the services provided by the director for a funeral.

Sec. 4. The shared vehicle driver who shares a passenger motor vehicle or truck is liable for the peer to peer vehicle sharing excise tax. The shared vehicle driver shall pay the tax to the peer to peer vehicle sharing program as a separate amount added to the

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consideration for the sharing. The peer to peer vehicle sharing
program shall collect the tax as an agent for the state.

Sec. 5. (a) Except as otherwise provided in this section, the peer
to peer vehicle sharing excise tax shall be imposed, paid, and
collected in the same manner that the state gross retail tax is
imposed, paid, and collected under IC 6-2.5. All of the provisions
of IC 6-2.5 relating to rights, duties, liabilities, procedures,
penalties, definitions, exemptions, and administration are
applicable to the imposition and administration of the tax imposed
by this chapter, except to the extent that the provisions of IC 6-2.5
conflict with the provisions of this chapter.

(b) Each peer to peer vehicle sharing program filing a return for
the peer to peer vehicle sharing excise tax shall indicate in the
return the amount of peer to peer vehicle excise taxes collected for
each county in which one (1) or more shared vehicles are registered
for purposes of IC 6-6-5, and the amount collected for vehicles
registered outside Indiana but subject to the peer to peer vehicle
excise tax.

(c) The return to be filed for the payment of the peer to peer
vehicle sharing excise tax may be either a separate return or may
be combined with the return filed for the payment of the state
gross retail tax, as prescribed by the department.

Sec. 6. (a) All revenues collected from the peer to peer vehicle
sharing excise tax shall be deposited in a special account of the
state general fund called the peer to peer vehicle sharing excise tax
account.

(b) On or before May 20 and November 20 of each year, all
amounts held in the peer to peer vehicle sharing excise tax account
shall be distributed to the county treasurers of Indiana.

(c) The amount to be distributed to a county treasurer equals
that part of the total peer to peer vehicle sharing excise taxes being
distributed that were initially imposed on and collected from the
sharing of motor vehicles registered in that county for purposes of
IC 6-6-5. The department shall notify each county auditor of the
amount of taxes to be distributed to the county treasurer.

(d) The county treasurer shall deposit peer to peer vehicle
sharing excise tax collections into a separate account for settlement
at the same time as property taxes are accounted for and settled in
June and December of each year.

(e) The county auditor shall apportion and the county treasurer
shall distribute the peer to peer vehicle sharing excise taxes among
the tax districts in the county in the same proportion as property
taxes are collected by the county.

(f) Any peer to peer vehicle excise tax revenue collected for vehicles that are not registered under IC 6-6-5 shall be distributed to the state general fund.

(g) All distributions from the peer to peer vehicle sharing excise tax account shall be made by warrants issued by the auditor of state to the treasurer of state ordering those payments to the appropriate county treasurer.

SECTION 5. IC 6-8.1-1-1, AS AMENDED BY P.L.212-2018(ss), SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the supplemental wagering tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1) (repealed); the county option income tax (IC 6-3.5-6) (repealed); the county economic development income tax (IC 6-3.5-7) (repealed); the local income tax (IC 6-3.6); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the vehicle excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) (repealed); the heavy equipment rental excise tax (IC 6-6-15); the peer to peer vehicle sharing excise tax (IC 6-6-16); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-20-18); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-20-18); and any other tax or fee that the department is required to collect or administer.

SECTION 6. IC 9-25-6-3, AS AMENDED BY P.L.120-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
If the bureau:

(a) does not receive a certificate of compliance during the applicable compliance response period for a person identified under IC 9-25-5-2; or

(b) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle operated by the person or operation of the motor vehicle by the person on the date of the accident referred to in IC 9-25-5-2;

the bureau shall take action under subsection (d).

(b) If the bureau:

(a) does not receive a certificate of compliance during the applicable compliance response period for a person presented with a request for evidence of financial responsibility under IC 9-25-9-1; or

(b) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle or operation of the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract received by the bureau under IC 9-25-9-1;

the bureau shall take action under subsection (d).

(c) If the bureau:

(a) does not receive a certificate of compliance during the applicable compliance response period for a person presented with a request under IC 9-25-10 (before its repeal); or

(b) receives a certificate that does not indicate that financial responsibility was in effect on the date requested;

the bureau shall take action under subsection (d).

(d) Under the conditions set forth in subsection (a), (b), or (c), the bureau shall immediately suspend the person's driving privileges or motor vehicle registration, or both, as determined by the bureau, for at least ninety (90) days and not more than one (1) year. The suspension of a person's driving privileges or motor vehicle registration, or both, may be imposed only one (1) time under this subsection or IC 9-25-8-2 for the same incident.

(e) Except as provided in subsection (f), if subsection (a), (b), or (c) applies to a person, the bureau shall suspend the driving privileges of the person irrespective of the following:

1. The sale or other disposition of the motor vehicle by the owner.
2. The cancellation or expiration of the registration of the motor vehicle.
3. An assertion by the person that the person did not own the
motor vehicle and therefore had no control over whether financial
duty was in effect with respect to the motor vehicle.

(f) The bureau shall not suspend the driving privileges of a person
to which subsection (a), (b), or (c) applies if the person, through a
certificate of compliance or another communication with the bureau,
establishes to the satisfaction of the bureau that the motor vehicle that
the person was operating when the accident referred to in subsection
(a) took place or when the violation referred to in subsection (b) or (c)
was committed was:

(1) rented from a rental company; or

(2) shared through a peer to peer vehicle sharing program (as
defined in IC 24-4-9.2-4); or

(2) (3) owned by the person's employer and operated by the
person in the normal course of the person's employment.

SECTION 7. IC 9-25-8-2, AS AMENDED BY P.L.198-2016,
SECTION 547, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A person that knowingly:

(1) operates; or

(2) permits the operation of;
a motor vehicle on a public highway in Indiana without financial
responsibility in effect as set forth in IC 9-25-4-4 commits a Class A
infraction. However, the offense is a Class C misdemeanor if the
person knowingly or intentionally violates this section and has a prior
unrelated conviction or judgment under this section.

(b) Subsection (a)(2) applies to:

(1) the owner of a rental company under IC 9-25-6-3(f)(1); and

(2) the owner of a peer to peer sharing program under
IC 9-25-6-3(f)(2); and

(2) (3) an employer under IC 9-25-6-3(f)(2). IC 9-25-6-3(f)(3).

(c) In addition to any other penalty imposed on a person for
violating this section, the court shall recommend the suspension of the
person's driving privileges for at least ninety (90) days but not more
than one (1) year. However, if, within the five (5) years preceding the
conviction under this section, the person had a prior unrelated
conviction under this section, the court shall recommend the
suspension of the person's driving privileges and motor vehicle
registration for one (1) year.

(d) Upon receiving the recommendation of the court under
subsection (c), the bureau shall suspend the person's driving privileges
and motor vehicle registration, as applicable, for the period
recommended by the court. If no suspension is recommended by the
court, or if the court recommends a fixed term that is less than the
minimum term required by statute, the bureau shall impose the
minimum period of suspension required under this article. The
suspension of a person's driving privileges or motor vehicle
registration, or both, may be imposed only one (1) time under this
subsection or IC 9-25-6 for the same incident.

SECTION 8. IC 24-4-9.2 IS ADDED TO THE INDIANA CODE
AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2019]:

Chapter 9.2. Peer to Peer Vehicle Sharing

Sec. 1. As used in this chapter, "delivery period" means a period
during which a shared vehicle is delivered to a location identified
in the shared vehicle agreement before the vehicle sharing start
time.

Sec. 2. As used in this chapter, "motor vehicle insurance policy"
means an insurance policy that provides:
(1) the types of insurance described in Class 2(f) of
IC 27-1-5-1; and
(2) coverage in not less than the minimum amounts required
by IC 9-25-4-5.

Sec. 3. As used in this chapter, "peer to peer vehicle sharing" or
"P2P vehicle sharing" means the authorized use of a shared vehicle
by a person other than the shared vehicle's owner as part of a P2P
vehicle sharing program.

Sec. 4. As used in this chapter, "peer to peer vehicle sharing
program" or "P2P vehicle sharing program" means an online
platform operated by an entity under which a shared vehicle owner
is connected with a shared vehicle driver to facilitate P2P vehicle
sharing. The term does not include the following:
(1) A shared vehicle owner.
(2) A rental company (as defined in IC 24-4-9-7).

Sec. 5. As used in this chapter, "person" means an individual, a
corporation, a limited liability company, a partnership, or another
legal entity.

Sec. 6. As used in this chapter, "shared vehicle" means a vehicle
that a shared vehicle owner has made available for P2P vehicle
sharing with a shared vehicle driver through a P2P vehicle sharing
program. The term does not include a vehicle obtained from a
rental company under a rental agreement under IC 24-4-9.

Sec. 7. As used in this chapter, "shared vehicle driver" means
a person who:
(1) has entered into a shared vehicle agreement with a P2P
vehicle sharing program to drive a shared vehicle; and

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(2) is authorized to drive a shared vehicle.

The term does not include a renter (as defined in IC 24-4-9-6).

Sec. 8. As used in this chapter, "shared vehicle owner" means an individual who makes a shared vehicle available for P2P vehicle sharing with a shared vehicle driver through a P2P vehicle sharing program.

Sec. 9. As used in this chapter, "start time" means the time, as identified in the shared vehicle agreement, when the shared vehicle driver is authorized to use a shared vehicle.

Sec. 10. Subject to section 13 of this chapter, as used in this chapter, "termination time" means the end of the period during which a shared vehicle driver is authorized to use a shared vehicle under a shared vehicle agreement.

Sec. 11. As used in this chapter, "shared vehicle agreement" means a written contract:

(1) that provides terms and conditions governing the conduct of the shared vehicle owner and shared vehicle driver;
(2) that authorizes a shared vehicle driver to use a shared vehicle under a shared vehicle agreement made available by a shared vehicle owner through a P2P vehicle sharing program for a period of thirty (30) days or less;
(3) under which a charge for use of the shared vehicle is made at a periodic rate; and
(4) under which the title to the shared vehicle is not transferred to the shared vehicle driver.

The term does not include a rental agreement (as defined in IC 24-4-9-5).

Sec. 12. As used in this chapter, "vehicle sharing period" means a period beginning with:

(1) the delivery period; or
(2) if there is no delivery period, the start time;

and ending with the termination time.

Sec. 13. A termination time is determined by the time when the shared vehicle is returned to the location designated in the shared vehicle agreement and the earliest of the following:

(1) The end of the vehicle sharing period identified in the shared vehicle agreement.
(2) The shared vehicle driver notifies the P2P vehicle sharing program of the shared vehicle driver's intent to end the use of the shared vehicle before the end of the vehicle sharing period identified in the shared vehicle agreement.
(3) The shared vehicle owner or the shared vehicle owner's
designee takes possession and control of the shared vehicle.

Sec. 14. A P2P vehicle sharing program, for each shared vehicle agreement completed through the P2P shared vehicle program, shall do the following:

1) Provide the language of the shared vehicle agreement to the shared vehicle owner and shared vehicle driver.

2) Disclose:

(A) to the shared vehicle driver any rates, fees, and costs that are charged under the shared vehicle agreement to the shared vehicle driver; and

(B) to the shared vehicle owner any rates, fees, and costs that are charged under the shared vehicle agreement to the shared vehicle driver.

3) Provide an emergency telephone number for the shared vehicle driver to use during the vehicle sharing period to contact the person tasked with providing roadside assistance to the shared vehicle driver.

Sec. 15. (a) When a vehicle owner registers as a shared vehicle owner on a P2P vehicle sharing program, and before a shared vehicle owner makes a shared vehicle available for sharing on the P2P vehicle sharing program, a P2P vehicle sharing program shall:

1) verify that the shared vehicle does not have any safety recalls appearing on the National Highway Traffic Safety Administration recall data base created under 49 CFR 573.15 for which repairs have not been made; and

2) notify the shared vehicle owner of the requirements stated under subsection (b).

(b) If the shared vehicle owner has received a safety recall notice required under 49 U.S.C. 30118 through 30120:

1) for a vehicle not yet available as a shared vehicle on a P2P vehicle sharing program, a shared vehicle owner may not make the vehicle available as a shared vehicle on a P2P vehicle sharing program until the safety recall repair has been made; or

2) for a vehicle while the vehicle is available for P2P vehicle sharing through the P2P vehicle sharing program, the shared vehicle owner shall, not later than seventy-two (72) hours after the shared vehicle owner receives the safety recall notice, remove the shared vehicle from P2P vehicle sharing until repairs related to the safety recall are finished.

(c) If a shared vehicle owner receives a safety recall notice required under 49 U.S.C. 30118 through 30120 while the vehicle is
in possession of a shared vehicle driver, the shared vehicle owner
shall, not later than seventy-two (72) hours after the shared vehicle
owner receives the safety recall notice, notify the P2P vehicle
sharing program and shared vehicle driver about the safety recall.

Sec. 16. (a) A shared vehicle that is the subject of a shared
vehicle agreement must be insured during a vehicle sharing period
by a motor vehicle insurance policy that is maintained by any of
the following:

1. The shared vehicle owner.
2. The shared vehicle driver.
3. The P2P vehicle sharing program.
4. Any combination of the persons described in subdivisions
   (1) through (3).

(b) A motor vehicle insurance policy described in subsection (a)
must:

1. provide coverage in an amount equal to or greater than
   the minimum amounts required by IC 9-25-4-5; and
2. be issued by one (1) of the following:
   (A) An insurance company granted a certificate of
       authority to engage in insurance business in Indiana under
       IC 27-1-3-20.
   (B) A surplus lines insurer through a surplus lines
       producer licensed under IC 27-1-15.8.
(c) A P2P vehicle sharing program must ensure that during each
car sharing period the shared vehicle owner and the shared vehicle
driver are insured under a motor vehicle insurance policy that
recognizes the vehicle insured under the policy is made available
and used through a P2P vehicle sharing program.
(d) The insurance described in subsection (a) that is satisfying
the insurance requirement shall be primary during each car
sharing period.
(e) The P2P vehicle sharing program shall assume primary
liability for a claim when:
1. it is in whole or in part providing the insurance required
   under subsection (a);
2. a dispute exists as to who was in control of the shared
   motor vehicle at the time of the loss; and
3. the P2P vehicle sharing program does not have available,
did not retain, or fails to provide the information required by
section 19 of this chapter.
(f) The shared motor vehicle's insurer shall indemnify the P2P
vehicle sharing program to the extent of its obligation, if any,
under the applicable insurance policy, if it is determined the shared
motor vehicle's owner was in control of the shared motor vehicle
at the time of the loss.

(g) If insurance maintained by a shared vehicle owner or shared
vehicle driver in subsection (a) has lapsed or does not provide the
required coverage, insurance maintained by a P2P vehicle sharing
program shall provide the coverage required by section 16(c) of
this chapter beginning with the first dollar of a claim and have the
duty to defend such claim.

(h) Coverage under an automobile insurance policy maintained
by the P2P vehicle sharing program does not depend on whether
a personal automobile insurer first denies a claim and does not
require a personal automobile insurer to first deny a claim.

Sec. 17. (a) An insurer may exclude motor vehicle insurance
policy coverage during a vehicle sharing period. However, except
as provided in subsection (b), an insurer may not cancel, void,
terminate, or rescind a personal motor vehicle insurance policy
solely because a shared vehicle owner, shared vehicle driver, or
shared vehicle has participated in a P2P vehicle sharing program.

(b) An insurer may deny, cancel, void, terminate, rescind, or
refuse to renew a personal motor vehicle insurance policy covering
a motor vehicle that has been made available for sharing through
a P2P vehicle sharing program if the applicant or policyholder of
the personal motor vehicle liability insurance fails to provide
complete and accurate information about the use of a shared motor
vehicle through the P2P vehicle sharing program as requested by
the motor vehicle insurer during the application or renewal
process of the motor vehicle liability insurance policy.

Sec. 18. (a) During a vehicle sharing period, the P2P vehicle
sharing program has an insurable interest in the shared vehicle.

(b) A P2P vehicle sharing program may maintain, as the named
insured, one (1) or more motor vehicle insurance policies that
provide coverage in an amount equal to or greater than the
minimum amounts required by IC 9-25-4-5, including coverage for
the following:

(1) Liability assumed by the P2P vehicle sharing program
under a shared vehicle agreement.

(2) Liability of a shared vehicle owner.

(3) Liability of a shared vehicle driver.

(4) Damage or loss to a shared vehicle.

(c) Nothing in this section creates a liability on a P2P vehicle
sharing program to maintain the coverage mandated under section
16 of this chapter.

(d) A P2P vehicle sharing program shall assume liability, except as provided in subsection (e), of a shared vehicle owner for any bodily injury or property damage to third parties or uninsured and underinsured motorist losses during the car sharing period in an amount stated in the P2P vehicle sharing program agreement, which amount may not be less than those set forth in IC 9-25-4-5.

(e) The assumption of liability in subsection (d) does not apply if the shared vehicle owner made an intentional or fraudulent material misrepresentation to the P2P vehicle sharing program before the car sharing period in which the loss occurred.

(f) This chapter does not:

(1) limit the liability of a P2P vehicle sharing program for any act or omission of the P2P vehicle sharing program itself that results in injury to any person as a result of the use of a shared vehicle through the P2P vehicle sharing program; or
(2) limit the ability of the P2P vehicle sharing program to seek indemnification by contract from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the P2P vehicle sharing program that results from a breach of the terms and conditions of the shared vehicle agreement.

Sec. 19. (a) A P2P vehicle sharing program and a shared vehicle owner are exempt from vicarious liability:

(1) as if the P2P vehicle sharing program were a vehicle rental or leasing business, in accordance with 49 U.S.C. 30106; and
(2) under any state or local law that imposes liability based solely on vehicle ownership.

(b) In an insurance claim investigation concerning a vehicle accident, a P2P vehicle sharing program shall cooperate in exchanging information between directly involved parties to the accident and the insurer of a shared vehicle owner concerning the shared vehicle's use in the P2P vehicle sharing program. This subsection does not make the P2P vehicle sharing program subject to civil or criminal liability.

(c) Records described in this section must be retained for a period of two (2) years.

Sec. 20. When a vehicle owner registers as a shared vehicle owner on a P2P vehicle sharing program and before a shared vehicle owner makes a shared vehicle available for sharing on the P2P vehicle sharing program, a P2P vehicle sharing program shall notify the shared vehicle owner that if the shared vehicle has a lien against it, the use of the shared vehicle through a P2P vehicle

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sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder.

Sec. 21. (a) Except as otherwise provided in subsection (b), a county, a municipality, or another political subdivision (as defined in IC 36-1-2-13) of the state may not enact or enforce an ordinance, resolution, policy, or rule to regulate P2P vehicle sharing.

(b) A board of an airport authority or a board of aviation commissioners may enact or enforce an ordinance, resolution, policy, or rule to regulate P2P vehicle sharing.
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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1362, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-6-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The rental of a truck is exempt from the auto rental excise tax if the declared gross weight of the truck being rented exceeds eleven thousand (11,000) pounds.

(b) The rental of a passenger motor vehicle or truck by a funeral director licensed under IC 25-15 is exempt from the auto rental excise tax if the rental is part of the services provided by the director for a funeral.

(c) The sharing of a passenger motor vehicle or truck through a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4) is exempt from the auto rental excise tax.

SECTION 2. IC 6-6-9.5-7, AS ADDED BY P.L.214-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The legislative body of the most populous city in the county may adopt an ordinance to impose an excise tax, known as the county supplemental auto rental excise tax, upon the rental of passenger motor vehicles in the county for periods of less than thirty (30) days. The ordinance must specify that the tax expires December 31, 2036.

(b) Except as provided in subsection (c), the county supplemental auto rental excise tax that may be imposed upon the rental of a passenger motor vehicle is two percent (2%) of the gross retail income received by the retail merchant for the rental.

(c) The county supplemental auto rental excise tax does not apply to the sharing of passenger motor vehicles through a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4) in the county unless the legislative body of the most populous city in the county adopts an ordinance to impose the tax as provided in this section. If the legislative body of the most populous city in the county adopts an ordinance to impose the county supplemental auto rental excise tax on the sharing of passenger motor vehicles through a peer to peer vehicle sharing program, the amount of the tax is equal to:

(1) the gross retail income received by the shared vehicle owner (as defined in IC 24-4-9.2-8) for the sharing of the
passenger motor vehicle; multiplied by
(2) a percentage equal to:
(A) five-tenths percent (0.5%), if:
   (i) a peer to peer vehicle sharing program accepts
       payment for the sharing of the passenger motor vehicle
       from a shared vehicle driver (as defined in IC 24-4-9.2-7)
       who shares the passenger motor vehicle;
   (ii) the shared vehicle driver accepts delivery of the
       passenger motor vehicle in the county; and
   (iii) the shared vehicle owner of the passenger motor
       vehicle both shares the passenger motor vehicle through
       the peer to peer vehicle sharing program and uses the
       passenger motor vehicle for the shared vehicle owner's
       personal use; or
(B) the tax rate otherwise in effect in the county under
   subsection (b) for the rental of passenger motor vehicles in
   the county, if clause (A) does not apply.

The ordinance must specify that the ordinance expires December 31, 2036.

(c) If the city legislative body adopts an ordinance under
    subsection (a) or (c), the city legislative body shall immediately send
    a certified copy of the ordinance to the commissioner of the
    department.

(d) If the city legislative body adopts an ordinance under
    subsection (a) before June 1 of a year, the county supplemental auto
    rental excise tax applies to auto rentals after June 30 of the year in
    which the ordinance is adopted. If the city legislative body adopts an
    ordinance under subsection (a) or (c) on or after June 1 of a year, the
    county supplemental auto rental excise tax applies to auto rentals after
    the last day of the month in which the ordinance is adopted.

SECTION 3. IC 6-6-9.7-7, AS AMENDED BY P.L.205-2013,
SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The city-county council of a
county that contains a consolidated city may adopt an ordinance to
impose an excise tax, known as the county supplemental auto rental
excise tax, upon the rental of passenger motor vehicles and trucks in
the county for periods of less than thirty (30) days. The ordinance must
specify that the tax expires December 31, 2027.

(b) Except as provided in subsection subsection (c) and (f), the
county supplemental auto rental excise tax that may be imposed upon
the rental of a passenger motor vehicle or truck equals two percent
(2%) of the gross retail income received by the retail merchant for the

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rental.

(c) On or before June 30, 2005, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the tax imposed under subsection (a) from two percent (2%) to four percent (4%). The ordinance must specify that:

(1) if on December 31, 2027, there are obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the original two percent (2%) rate imposed under subsection (a) continues to be levied after its original expiration date set forth in subsection (a) and through December 31, 2040; and

(2) the additional rate authorized under this subsection expires on:
   (A) January 1, 2041;
   (B) January 1, 2010, if on that date there are no obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under IC 5-1-17-26; or
   (C) October 1, 2005, if on that date there are no obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under a lease or a sublease of an existing capital improvement entered into under IC 5-1-17, unless waived by the budget director.

(d) The amount collected from that portion of county supplemental auto rental excise tax imposed under:

(1) subsection (b) and collected after December 31, 2027; and

(2) subsection (c); and

(3) subsection (f);

shall, in the manner provided by section 11 of this chapter, be distributed to the capital improvement board of managers operating in a consolidated city or its designee. So long as there are any current or future obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the capital improvement board of managers and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the capital improvement board of managers or its designee shall deposit the revenues received under this subsection in a special fund, which may be used only for the payment of the obligations described in this subsection.

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(e) After January 1, 2013, and before March 1, 2013, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the tax rate imposed under subsection (a) by not more than two percent (2%). The amount collected from an increase adopted under this subsection shall be deposited in the sports and convention facilities operating fund established by IC 36-7-31-16. An increase in the tax rate under this subsection continues in effect unless the increase is rescinded. However, any increase in the tax rate under this subsection may not continue in effect after February 28, 2023.

(f) The county supplemental auto rental excise tax does not apply to the sharing of passenger motor vehicles or trucks through a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4) in the county unless the city-county council adopts an ordinance, by a majority of the members elected to the city-county council, to impose the tax as provided in this section. If the city-county council adopts an ordinance to impose the county supplemental auto rental excise tax on the sharing of passenger motor vehicles or trucks through a peer to peer vehicle sharing program, the amount of the tax is equal to:

1. the gross retail income received by the shared vehicle owner (as defined in IC 24-4-9.2-8) for the sharing of the passenger motor vehicle or truck; multiplied by
2. a percentage equal to:
   (A) five-tenths percent (0.5%), if:
   (i) a peer to peer vehicle sharing program accepts payment for the sharing of the passenger motor vehicle or truck from a shared vehicle driver (as defined in IC 24-4-9.2-7) who shares the passenger motor vehicle;
   (ii) the shared vehicle driver accepts delivery of the passenger motor vehicle or truck in the county; and
   (iii) the shared vehicle owner of the passenger motor vehicle or truck both shares the passenger motor vehicle or truck through the peer to peer vehicle sharing program and uses the passenger motor vehicle or truck for the shared vehicle owner's personal use; or
   (B) the tax rate otherwise in effect in the county under this section for the rental of passenger motor vehicles and trucks, if clause (A) does not apply.

The ordinance must specify that the ordinance expires December 31, 2027.

(g) If a city-county council adopts an ordinance under subsection
(a), (c), or (e), the city-county council shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.

(h) If a city-county council adopts an ordinance under subsection (a), (c), or (e), or (f) on or before the fifteenth day of a month, the county supplemental auto rental excise tax applies to auto rentals after the last day of the month in which the ordinance is adopted. If the city-county council adopts an ordinance under subsection (a), (c), or (e), or (f) after the fifteenth day of a month, the county supplemental auto rental excise tax applies to auto rentals after the last day of the month following the month in which the ordinance is adopted.

SECTION 4. IC 6-6-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 16. Peer to Peer Vehicle Sharing Excise Tax
Sec. 1. The following definitions apply throughout this chapter:
(1) "Department" refers to the department of state revenue.
(2) "Gross retail income" has the meaning set forth in IC 6-2.5-1-5, except that the term does not include taxes imposed under IC 6-2.5.
(3) "Passenger motor vehicle" has the meaning set forth in IC 9-13-2-123.
(4) "Peer to peer vehicle sharing program" has the meaning set forth in IC 24-4-9.2-4.
(5) "Person" has the meaning set forth in IC 6-2.5-1-3.
(6) "Shared vehicle driver" has the meaning set forth in IC 24-4-9.2-7.
(7) "Shared vehicle owner" has the meaning set forth in IC 24-4-9.2-8.
(8) "Truck" has the meaning set forth in IC 9-13-2-188(a).

Sec. 2. (a) An excise tax, known as the peer to peer vehicle sharing excise tax, is imposed upon the sharing of passenger motor vehicles and trucks in Indiana for periods of less than thirty (30) days if a peer to peer vehicle sharing program accepts payment for the sharing from a shared vehicle driver who shares the passenger motor vehicle or truck.

(b) The peer to peer vehicle sharing excise tax imposed upon the sharing of a passenger motor vehicle or truck equals:
(1) the gross retail income received by the shared vehicle owner for the sharing of the passenger motor vehicle or truck; multiplied by
(2) a percentage equal to:

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(A) four percent (4%), if:
   (i) the shared vehicle owner's use of the passenger motor
       vehicle or truck is exclusively to share the passenger
       motor vehicle or truck in the regular course of the
       shared vehicle owner's sharing business; and
   (ii) the shared vehicle owner does not use the passenger
       motor vehicle or truck for the shared vehicle owner's
       personal use; or
(B) one percent (1%), if the shared vehicle owner both:
   (i) shares the passenger motor vehicle or truck through
       a peer to peer vehicle sharing program; and
   (ii) uses the passenger motor vehicle or truck for the
       shared vehicle owner's personal use.

Sec. 3. (a) The sharing of a truck is exempt from the peer to peer
vehicle sharing excise tax if the declared gross weight of the truck
being shared exceeds eleven thousand (11,000) pounds.
   (b) The sharing of a passenger motor vehicle or truck by a
funeral director licensed under IC 25-15 is exempt from the peer
to peer vehicle sharing excise tax if the sharing is part of the
services provided by the director for a funeral.

Sec. 4. The shared vehicle driver who shares a passenger motor
vehicle or truck is liable for the peer to peer vehicle sharing excise
tax. The shared vehicle driver shall pay the tax to the peer to peer
vehicle sharing program as a separate amount added to the
consideration for the sharing. The peer to peer vehicle sharing
program shall collect the tax as an agent for the state.

Sec. 5. (a) Except as otherwise provided in this section, the peer
to peer vehicle sharing excise tax shall be imposed, paid, and
collected in the same manner that the state gross retail tax is
imposed, paid, and collected under IC 6-2.5.
   (b) Each peer to peer vehicle sharing program filing a return for
the peer to peer vehicle sharing excise tax shall indicate in the
return:
      (1) the locations of each shared vehicle owner for whom the
          peer to peer vehicle sharing program collected peer to peer
          vehicle sharing excise taxes; and
      (2) the amount of peer to peer vehicle sharing excise taxes
          collected for each location of each shared vehicle owner.
   (c) The return to be filed for the payment of the peer to peer
vehicle sharing excise tax may be either a separate return or may
be combined with the return filed for the payment of the state
gross retail tax, as prescribed by the department.
Sec. 6. (a) All revenues collected from the peer to peer vehicle sharing excise tax shall be deposited in a special account of the state general fund called the peer to peer vehicle sharing excise tax account.

(b) On or before May 20 and November 20 of each year, all amounts held in the peer to peer vehicle sharing excise tax account shall be distributed to the county treasurers of Indiana.

(c) The amount to be distributed to a county treasurer equals that part of the total peer to peer vehicle sharing excise taxes being distributed that were initially imposed and collected from within that county treasurer's county. The department shall notify each county auditor of the amount of taxes to be distributed to the county treasurer. At the same time each distribution is made to a county treasurer, the department shall certify to the county auditor each taxing district within the county where peer to peer vehicle sharing excise taxes were collected and the amount of the county distribution that was collected with respect to each taxing district.

(d) The county treasurer shall deposit peer to peer vehicle sharing excise tax collections into a separate account for settlement at the same time as property taxes are accounted for and settled in June and December of each year.

(e) The county auditor shall apportion and the county treasurer shall distribute the peer to peer vehicle sharing excise taxes among the taxing units of the county in the same manner that property taxes are apportioned and distributed with respect to property located in the taxing district where the peer to peer vehicle sharing excise tax was initially imposed and collected. The peer to peer vehicle sharing excise taxes distributed to a taxing unit shall be allocated among the taxing unit's funds in the same proportions that the taxing unit's property tax collections are allocated among those funds.

(f) Taxing units of a county may request and receive advances of peer to peer vehicle sharing excise tax revenues in the manner provided under IC 5-13-6-3.

(g) All distributions from the peer to peer vehicle sharing excise tax account shall be made by warrants issued by the auditor of state to the treasurer of state ordering those payments to the appropriate county treasurer.

SECTION 5. IC 6-8.1-1-1, AS AMENDED BY P.L.212-2018(ss), SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the supplemental...
wagering tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1) (repealed); the county option income tax (IC 6-3.5-6) (repealed); the county economic development income tax (IC 6-3.5-7) (repealed); the local income tax (IC 6-3.6); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the vehicle excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) (repealed); the heavy equipment rental excise tax (IC 6-6-15); the **peer to peer vehicle sharing excise tax (IC 6-6-16)**; the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-20-18); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-20-18); and any other tax or fee that the department is required to collect or administer.

**SECTION 6.** IC 9-25-6-3, AS AMENDED BY P.L.120-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) If the bureau:

1. does not receive a certificate of compliance during the applicable compliance response period for a person identified under IC 9-25-5-2; or
2. receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle operated by the person or operation of the motor vehicle by the person on the date of the accident referred to in IC 9-25-5-2;

the bureau shall take action under subsection (d).

(b) If the bureau:

1. does not receive a certificate of compliance during the applicable compliance response period for a person presented with a request for evidence of financial responsibility under
IC 9-25-9-1; or
(2) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle or operation of the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract received by the bureau under IC 9-25-9-1;

the bureau shall take action under subsection (d).

(c) If the bureau:
(1) does not receive a certificate of compliance during the applicable compliance response period for a person presented with a request under IC 9-25-10 (before its repeal); or
(2) receives a certificate that does not indicate that financial responsibility was in effect on the date requested;

the bureau shall take action under subsection (d).

(d) Under the conditions set forth in subsection (a), (b), or (c), the bureau shall immediately suspend the person's driving privileges or motor vehicle registration, or both, as determined by the bureau, for at least ninety (90) days and not more than one (1) year. The suspension of a person's driving privileges or motor vehicle registration, or both, may be imposed only one (1) time under this subsection or IC 9-25-8-2 for the same incident.

(e) Except as provided in subsection (f), if subsection (a), (b), or (c) applies to a person, the bureau shall suspend the driving privileges of the person irrespective of the following:

(1) The sale or other disposition of the motor vehicle by the owner.
(2) The cancellation or expiration of the registration of the motor vehicle.
(3) An assertion by the person that the person did not own the motor vehicle and therefore had no control over whether financial responsibility was in effect with respect to the motor vehicle.

(f) The bureau shall not suspend the driving privileges of a person to which subsection (a), (b), or (c) applies if the person, through a certificate of compliance or another communication with the bureau, establishes to the satisfaction of the bureau that the motor vehicle that the person was operating when the accident referred to in subsection (a) took place or when the violation referred to in subsection (b) or (c) was committed was:

(1) rented from a rental company; or
(2) shared through a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4); or
(3) owned by the person's employer and operated by the person.
person in the normal course of the person's employment.

SECTION 7. IC 9-25-8-2, AS AMENDED BY P.L.198-2016, SECTION 547, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A person that knowingly:
(1) operates; or
(2) permits the operation of;
a motor vehicle on a public highway in Indiana without financial responsibility in effect as set forth in IC 9-25-4-4 commits a Class A infraction. However, the offense is a Class C misdemeanor if the person knowingly or intentionally violates this section and has a prior unrelated conviction or judgment under this section.

(b) Subsection (a)(2) applies to:
(1) the owner of a rental company under IC 9-25-6-3(f)(1); and
(2) the owner of a peer to peer sharing program under IC 9-25-6-3(f)(2); and
(2) an employer under IC 9-25-6-3(f)(2).

(c) In addition to any other penalty imposed on a person for violating this section, the court shall recommend the suspension of the person's driving privileges for at least ninety (90) days but not more than one (1) year. However, if, within the five (5) years preceding the conviction under this section, the person had a prior unrelated conviction under this section, the court shall recommend the suspension of the person's driving privileges and motor vehicle registration for one (1) year.

(d) Upon receiving the recommendation of the court under subsection (c), the bureau shall suspend the person's driving privileges and motor vehicle registration, as applicable, for the period recommended by the court. If no suspension is recommended by the court, or if the court recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this article. The suspension of a person's driving privileges or motor vehicle registration, or both, may be imposed only one (1) time under this subsection or IC 9-25-6 for the same incident."

Page 2, line 19, delete "with a shared" and insert "with a P2P vehicle sharing program;".
Page 2, line 20, delete "vehicle owner;".
Page 3, line 15, delete "owner" and insert "driver".
Page 3, line 16, delete "owner's" and insert "driver's".
Page 3, line 17, delete "authorized".
Page 3, between lines 21 and 22, begin a new line block indented and insert:

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"(4) The shared vehicle is returned to the location designated in the shared vehicle agreement.".

Page 5, between lines 32 and 33, begin a new paragraph and insert:
"(d) This chapter does not:
(1) limit the liability of a P2P vehicle sharing program for any act or omission of the P2P vehicle sharing program itself that results in injury to any person as a result of the use of a shared vehicle through the P2P vehicle sharing program; or
(2) limit the ability of the P2P vehicle sharing program to seek indemnification by contract from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the P2P vehicle sharing program that results from a breach of the terms and conditions of the shared vehicle agreement."

Page 5, line 40, delete "facilitate the" and insert "cooperate in exchanging".

Page 5, line 41, delete "exchange of".

Page 6, line 13, after "subdivision" insert "(as defined in IC 36-1-2-13)".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1362 as introduced.)

SULLIVAN

Committee Vote: yeas 11, nays 1.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1362, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 21, delete "five-tenths percent (0.5%)," and insert "one percent (1%),".

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Page 5, line 1, delete "five-tenths percent (0.5%)," and insert "one percent (1%)."
Page 6, line 27, delete "one percent (1%)," and insert "two percent (2%)."

and when so amended that said bill do pass.

(Reference is to HB 1362 as printed February 15, 2019.)

HUSTON

Committee Vote: yeas 21, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1362, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 12, delete "If the" and insert "The".
Page 2, line 13, delete "adopts" and insert "may adopt".
Page 2, line 14, after "vehicles" insert "registered in the county for purposes of IC 6-6-5".
Page 2, line 15, delete "program, the" and insert "program. The".
Page 2, line 20, delete "a percentage equal to:" and insert "one percent (1%).".
Page 2, delete lines 21 through 35.
Page 4, line 34, delete "If the" and insert "The".
Page 4, line 35, delete "adopts" and insert "may adopt".
Page 4, line 36, after "trucks" insert "registered in the county for purposes of IC 6-6-5".
Page 4, line 37, delete "program, the" and insert "program. The".
Page 4, line 42, delete "a percentage equal to:" and insert "one percent (1%).".
Page 5, delete lines 1 through 15.
Page 6, line 18, delete "a percentage equal to:" and insert "two percent (2%).".
Page 6, delete lines 19 through 31.
Page 7, line 6, after "IC 6-2.5." insert "All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties,
definitions, exemptions, and administration are applicable to the imposition and administration of the tax imposed by this chapter, except to the extent that the provisions of IC 6-2.5 conflict with the provisions of this chapter.

Page 7, line 8, after "in the" insert "return the amount of peer to peer vehicle excise taxes collected for each county in which one (1) or more shared vehicles are registered for purposes of IC 6-6-5, and the amount collected for vehicles registered outside Indiana but subject to the peer to peer vehicle excise tax."

Page 7, delete lines 9 through 14.
Page 7, line 28, delete "and collected from within" and insert "on and collected from the sharing of motor vehicles registered in that county for purposes of IC 6-6-5."
Page 7, line 29, delete "that county treasurer's county.".
Page 7, line 31, delete "At the same time each distribution is made to a".
Page 7, delete lines 32 through 35.
Page 7, line 42, delete "taxing units of" and insert "tax districts in".
Page 7, line 42, delete "manner that property" and insert "proportion as property taxes are collected by the county.

(f) Any peer to peer vehicle excise tax revenue collected for vehicles that are not registered under IC 6-6-5 shall be distributed to the state general fund."

Page 8, delete lines 1 through 10.
Page 10, line 35, strike "(2)" and insert "(3)".
Page 12, line 6, delete "program;" and insert "program to drive a shared vehicle;"
Page 12, line 39, delete "following" and insert "time when the shared vehicle is returned to the location designated in the shared vehicle agreement and the earliest of the following:"
Page 12, delete line 40.
Page 13, delete lines 7 through 8.
Page 14, between lines 30 and 31, begin a new paragraph and insert:

"(c) A P2P vehicle sharing program must ensure that during each car sharing period the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle insurance policy that recognizes the vehicle insured under the policy is made available and used through a P2P vehicle sharing program.

(d) The insurance described in subsection (a) that is satisfying the insurance requirement shall be primary during each car sharing period.

(e) The P2P vehicle sharing program shall assume primary
liability for a claim when:

(1) it is in whole or in part providing the insurance required under subsection (a);

(2) a dispute exists as to who was in control of the shared motor vehicle at the time of the loss; and

(3) the P2P vehicle sharing program does not have available, did not retain, or fails to provide the information required by section 19 of this chapter.

(f) The shared motor vehicle's insurer shall indemnify the P2P vehicle sharing program to the extent of its obligation, if any, under the applicable insurance policy, if it is determined the shared motor vehicle's owner was in control of the shared motor vehicle at the time of the loss.

(g) If insurance maintained by a shared vehicle owner or shared vehicle driver in subsection (a) has lapsed or does not provide the required coverage, insurance maintained by a P2P vehicle sharing program shall provide the coverage required by section 16(c) of this chapter beginning with the first dollar of a claim and have the duty to defend such claim.

(h) Coverage under an automobile insurance policy maintained by the P2P vehicle sharing program does not depend on whether a personal automobile insurer first denies a claim and does not require a personal automobile insurer to first deny a claim.".

Page 14, line 34, delete "terminate, rescind, refuse to renew, or increase premiums on" and insert "terminate, or rescind".

Page 15, between lines 19 and 20, begin a new paragraph and insert:

"(d) A P2P vehicle sharing program shall assume liability, except as provided in subsection (e), of a shared vehicle owner for any bodily injury or property damage to third parties or uninsured and underinsured motorist losses during the car sharing period in an amount stated in the P2P vehicle sharing program agreement, which amount may not be less than those set forth in IC 9-25-4-5.

(e) The assumption of liability in subsection (d) does not apply if the shared vehicle owner made an intentional or fraudulent material misrepresentation to the P2P vehicle sharing program before the car sharing period in which the loss occurred.".

Page 15, line 20, delete "(d)" and insert "(f)".

Page 15, after line 42, begin a new paragraph and insert:

"(c) Records described in this section must be retained for a period of two (2) years.".

Page 16, line 9, after "21." delete "A" and insert "(a) Except as otherwise provided in subsection (b), a".

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Page 16, after line 12, begin a new paragraph and insert:

"(b) A board of an airport authority or a board of aviation commissioners may enact or enforce an ordinance, resolution, policy, or rule to regulate P2P vehicle sharing."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Tax and Fiscal Policy.

(Reference is to HB 1362 as printed February 18, 2019.)

CRIDER, Chairperson

Committee Vote: Yeas 8, Nays 0.