

ARKANSAS SENATE
93rd General Assembly - Regular Session, 2021
Amendment Form

Subtitle of Senate Bill No. 351

TO REGULATE PEER-TO-PEER CAR-SHARING PROGRAMS; AND TO CREATE THE PEER-TO-PEER
CAR-SHARING PROGRAM INSURANCE COVERAGE ACT.

Amendment No. 1 to Senate Bill 351

Amend Senate Bill No. 351 as originally introduced:

Page 4, line 35, delete "(B) The" and substitute "(B)(i) The"

AND

Page 5, delete lines 1 and 2, and substitute the following:

"driver as communicated through a peer-to-peer car-sharing program agreement.
(ii) The alternatively agreed upon location under
subdivision (a)(5)(B)(i) of this section shall be incorporated into the peer-
to-peer car-sharing program agreement; or"

AND

Page 6, delete line 6, and substitute the following:

"property damage;
(ii) Personal injury protection coverage as
described in § 23-89-202;"

AND

Page 6, line 7, delete "(ii)" and substitute "(iii)"

AND

Page 6, line 8, delete "(iii)" and substitute "(iv)"

AND

Page 6, line 9, delete "(iv)" and substitute "(v)"

AND



Page 6, line 10, delete "v" and substitute "vi"

AND

Page 6, delete line 24, and substitute the following:
"that is engaged in a commercial use.

(3) This section does not invalidate, limit, or restrict an insurer's ability under existing law to:

(A) Underwrite an insurance policy; or

(B) Cancel and not renew an insurance policy."

AND

Page 6, delete lines 30 through 36

AND

Page 7, delete lines 1 through 5, and substitute the following:

"(e)(1) Notwithstanding any other law to the contrary, a peer-to-peer"

AND

Page 7, line 16, delete "g" and substitute "f"

AND

Page 9, line 20, delete "B) The" and substitute "B)(i) The"

AND

Page 9, delete line 22, and substitute the following:

"program agreement.

(ii) The alternatively agreed upon location under subdivision (a)(5)(B)(i) of this section shall be incorporated into the peer-to-peer car-sharing program agreement; or"

AND

Page 11, line 22, delete "section:" and substitute "section, the"

AND

Page 11, line 23, delete "(1) The"

AND

Page 11, delete lines 26 through 36, and substitute the following:

"period and in the event that a claim occurs in another state with minimum financial responsibility limits that are higher than the limits in this state, during the car-sharing period, then the coverage maintained under

subsection (c) of this section shall satisfy the difference in minimum coverage amounts, up to the applicable policy limits."

AND

Page 12, delete lines 1 through 19, and substitute the following:

"(g) The insurer or peer-to-peer car-sharing program providing coverage under subsections (d) and (e) of this section shall assume primary liability for a claim when:

(1) A dispute exists as to who was in control of the shared vehicle at the time of the loss and the peer-to-peer car-sharing program does not have available, did not retain, or fails to provide the information required in § 27-25-106; or

(2) A dispute exists as to whether or not a shared vehicle was returned to the alternatively agreed-upon location as required under § 27-25-102(a)(5)(B)(i)."

AND

Page 13, line 3, delete "program;" and substitute "program; or"

AND

Page 13, line 8, delete "agreement; or" and substitute "agreement."

AND

Page 13, delete lines 9 and 10

AND

Page 13, delete lines 30 through 36, and substitute the following:

"27-25-106. Record keeping.

(a)(1) A peer-to-peer car-sharing program shall collect and verify records pertaining to the use of a shared vehicle, including without limitation times used, car-sharing period pick-up and drop-off locations, fees paid by the shared-vehicle driver, and revenues received by the shared-vehicle owner.

(2) The information compiled under subdivision (a)(1) of this section shall be provided upon request to the shared-vehicle owner, the shared-vehicle owner's insurer, or the shared-vehicle driver's insurer to facilitate a claim coverage investigation, settlement, negotiation, or litigation.

(b) The peer-to-peer car-sharing program shall retain the records for a time period not less than the applicable personal injury statute of limitations."

AND

Page 14, delete lines 1 through 12

AND

Page 15, line 32, delete "vehicle;" and substitute "vehicle; and"

AND

Page 15, delete lines 34 through 36, and substitute the following:
"vehicle driver."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Irvin

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Secretary