

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB19-090 be amended as follows:

1 Amend printed bill, page 5, after line 14 insert:

2 "(4) IF THE INSURANCE THAT COMPLIES WITH SUBSECTION (1) OF
3 THIS SECTION IS PROVIDED BY THE SHARED CAR DRIVER OR SHARED CAR
4 OWNER, A CAR SHARING PROGRAM SHALL MAINTAIN INSURANCE THAT
5 PROVIDES COVERAGE MEETING THE REQUIREMENTS OF THIS SECTION AND
6 THAT COVERS A LAPSE IN OR LACK OF COVERAGE OF THE SHARED CAR
7 DRIVER'S OR SHARED CAR OWNER'S INSURANCE, BEGINNING WITH THE
8 FIRST DOLLAR OF A CLAIM AND INCLUDING A DUTY TO DEFEND THE CLAIM.

9 (5) COVERAGE UNDER AN AUTOMOBILE LIABILITY INSURANCE
10 POLICY MAINTAINED BY THE CAR SHARING PROGRAM DOES NOT DEPEND ON
11 A PERSONAL AUTOMOBILE LIABILITY INSURER FIRST DENYING OR BEING
12 REQUIRED TO DENY A CLAIM."

13 Page 5, line 15, strike "(4)" and substitute "(6)".

14 Page 6, strike lines 6 and 7 and substitute:

15 **"6-1-1205. Liability - exclusions for personal automobile**
16 **liability insurance policy - indemnification.** (1) (a) EXCEPT AS
17 PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, A CAR SHARING
18 PROGRAM SHALL ASSUME THE LIABILITY OF A SHARED CAR OWNER FOR
19 ANY BODILY INJURY OR PROPERTY DAMAGE TO THIRD PARTIES, OR
20 UNINSURED AND UNDERINSURED MOTORIST OR PERSONAL INJURY
21 PROTECTION LOSSES, CAUSED BY THE SHARED CAR DRIVER DURING THE
22 SHARING PERIOD UP TO AN AMOUNT STATED IN THE CAR SHARING
23 AGREEMENT, BUT NOT LESS THAN THE MINIMUM AMOUNT OF FINANCIAL
24 RESPONSIBILITY REQUIRED BY ARTICLE 7 OF TITLE 42.

25 (b) A CAR SHARING PROGRAM DOES NOT ASSUME LIABILITY UNDER
26 THIS SUBSECTION (1) FOR ANY BODILY INJURY OR PROPERTY DAMAGE
27 CAUSED BY THE SHARED CAR OWNER MAKING AN INTENTIONAL OR
28 FRAUDULENT MATERIAL MISREPRESENTATION TO THE CAR SHARING
29 PROGRAM BEFORE OR DURING THE SHARING PERIOD IN WHICH THE LOSS
30 OCCURRED.

31 (2) AN AUTHORIZED INSURER MAY EXCLUDE".

32 Renumber succeeding subsection accordingly.

** ** ** ** **