

Title 19 – Mississippi Department of Insurance

Part 9 - Automobile and Ride Sharing

Part 9, Chapter 2: Peer-to-Peer Car Sharing Program Rules and Regulations

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Rule 1.01: Promulgation and Purpose

(1) These Rules and Regulations for Peer-to-Peer Car Sharing Programs are promulgated by the Commissioner of Insurance of the State of Mississippi in accordance with the Peer-to-Peer Car Sharing Program Act, *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session*, to be codified in *Title _____, Chapter _____ of the Mississippi Code of 1972, as Amended*, and the Mississippi Administrative Procedures Act, *Miss. Code § 25-43-1, et seq.*, and shall become effective after adopted and promulgated in accordance with the provisions of the Mississippi Administrative Procedures Act. This Regulation is being filed as a regulation pursuant to the provisions of *S. B. No. 2530, 2024 Regular Legislative Session*.

(2) The purpose of these Rules and Regulations is to create a framework for the administration and enforcement of the provisions of the Mississippi Peer-to-Peer Car Sharing Program Act consistent with the statutory provisions established by the Mississippi Legislature.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session*.

Rule 1.02: Authority

This Regulation is promulgated by the Commissioner of Insurance pursuant to the authority granted to him by *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*, as well as the provisions of *19 Miss. Admin. Code, Part 1, Chapter 15 (Rules of Practice and Procedure before the Mississippi Insurance Department and State Fire Marshal's Office, As Amended)*.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.03: Scope

This Regulation shall apply to all Peer-to-Peer Car Sharing Programs, as defined in *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session*, operating in the State of Mississippi.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.04: Definitions

As used in these regulations, the following terms shall have the meanings defined herein unless the context clearly indicates otherwise:

- (a) "Car sharing delivery period" means the period of time during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the governing car sharing program agreement.
- (b) "Car sharing period" means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, the period of time that commences with the car sharing start time and in either case ends at the car sharing termination time.
- (c) "Car sharing program agreement" means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that governs the use of a shared vehicle through a peer-to-peer car sharing program.
- (d) "Car sharing start time" means the time when the shared vehicle becomes subject to the control of the shared vehicle driver at or after the time the reservation of a shared vehicle is scheduled to begin as documented in the records of a peer-to-peer car sharing program.
- (e) "Car sharing termination time" means the earliest of the following events:
 - (i) The expiration of the agreed upon period of time established for the use of a shared vehicle according to the terms of the car sharing program agreement if the shared vehicle is delivered to the location agreed upon in the car sharing program agreement;

- (ii) When the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a peer-to-peer car sharing program, which alternatively agreed upon location shall be incorporated into the car sharing program agreement; or
 - (iii) When the shared vehicle owner or the shared vehicle owner's authorized designee, takes possession and control of the shared vehicle.
- (f) "Department" means the Mississippi Department of Insurance. "Commissioner" means the Commissioner of Insurance.
- (g) "Peer-to-peer car sharing" means the authorized use of a vehicle by an individual other than the vehicle's owner through a peer-to-peer car sharing program. This term shall not be construed to mean rental car or rental activity.
- (h) "Peer-to-peer car sharing program" means a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration. This term shall not mean rental car company. An individual or business entity lawfully engaging in a peer-to-peer car sharing program shall not be considered as any of the following:
 - (i) As a "rental company" as that term is defined in Section 27-19-40(4);
 - (ii) As being engaged in renting a motor vehicle to another within the meaning of Section 63-1-67;
 - (iii) As a "transportation network company" as that term is defined in Section 77-8-1; or
 - (iv) As being engaged in the business of renting 85 motor vehicles under rental agreements within the meaning of Section 75-24-8.
- (i) "Person" as used herein shall include individuals, groups of persons, partnerships, corporations, and legal entities of any type.
- (j) "Shared vehicle" means a vehicle that is available for sharing through a peer-to-peer car sharing program.
- (k) "Shared vehicle driver" means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement.
- (l) "Shared vehicle owner" means the registered owner, or a person or entity designated by the registered owner, of a vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car sharing program. A shared vehicle owner shall not mean a person "renting a motor vehicle to another" as that activity is described in Section 63-1-

67. A shared vehicle owner is not "engaged in the business of renting motor vehicles under rental agreements" within the meaning of Section 75-24-8.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.05: Permit Required

(1) A person shall not operate a peer-to-peer car sharing program in Mississippi without first having obtained a permit from the Mississippi Department of Insurance.

(2) The Department shall issue a permit to each applicant that meets the requirements for a peer-to-peer car sharing program as provided for in the Peer-to-Peer Car Sharing Program Act and these regulations.

(3) Permit applicants are to use the application prescribed and furnished by the Mississippi Department of Insurance. Permit applicants may obtain information and instructions at the Department's website at the following link: <https://www.mid.ms.gov>.

(4) Permits issued shall authorize the applicant to operate within the State of Mississippi, and shall be effective on the date of issue for a period beginning on January 1 through December 31 of the year of issuance ("Permit Period"). Permit applications and renewals will be processed electronically via SIRCON or by paper. Applicants applying electronically shall be responsible for payment of any fees due for the Electronic Government Oversight Committee (EOC fee) and for use of SIRCON. There is no fee charged for applicants using the "paper" option. The permit issued shall expire on December 31 unless properly renewed by obtaining a permit for the subsequent Permit Period. No renewal notices will be mailed prior to the permit expiration.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.06: Agent for Service of Process

Each peer-to-peer car sharing program shall maintain an agent for service of process in the State of Mississippi. Corporate entities must be registered with the Mississippi Secretary of State as required by the Mississippi Business Corporation Act in Title 79 of the Mississippi Code of 1972, as amended.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.07: Insurance coverage during car sharing period.

(1) Except as provided in subsection (2) of this section, a peer-to-peer car sharing program shall assume liability of a shared vehicle owner for 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 peer-to-peer car sharing program agreement, provided that the amount shall not be less than that set forth in Section 63-15-43.

(2) Notwithstanding the definition of "car sharing termination time" as set forth in this act, the assumption of liability under subsection (1) of this section shall not apply to any shared vehicle owner when:

- (a) A shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the loss occurred; or
- (b) Acting in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement.

(3) Notwithstanding the definition of "car sharing termination time" as set forth in this act, the assumption of liability under subsection (1) of this section shall include any bodily injury or property damage losses by damaged third parties, or uninsured and underinsured motorist losses, as required by Section 63-15-1 et seq.

(4) A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that provides insurance coverage in amounts no less than the minimum amounts set forth in Section 63-15-43; and

- (a) Recognizes that the shared vehicle insured under 132 the policy is made available and used through a peer-to-peer car 133 sharing program; or
- (b) Does not exclude use of a shared vehicle by a shared vehicle driver.

(5) The insurance described under subsection (4) of this section may be satisfied by motor vehicle liability insurance maintained by:

- (a) A shared vehicle owner;
- (b) A shared vehicle driver;
- (c) A peer-to-peer car sharing program; or
- (d) Both a shared vehicle owner, a shared vehicle driver and a peer-to-peer car sharing program.

(6) The insurance described in subsection (5) of this section that is satisfying the insurance requirement of subsection (4) of this section shall be primary during each car sharing period, and in the event that a claim occurs in another state with minimum financial responsibility limits higher than the minimum amounts set forth in Section 63-15-43, during the car sharing period, the coverage maintained under subsection (5) shall satisfy the difference in minimum coverage amounts, up to the applicable policy limits.

(7) The insurer, insurers or peer-to-peer car sharing program providing coverage under subsection (4) or (5) of this section shall assume primary liability for a claim when:

- (a) A dispute exists as to who was in control of the shared motor 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 by Section 8 of this act; or
- (b) A dispute exists as to whether the shared vehicle was returned to the alternatively agreed upon location.

(8) If insurance maintained by a shared vehicle owner or shared vehicle driver in accordance with subsection (5) of this section has lapsed or does not provide the required coverage, insurance maintained by a peer-to-peer car sharing program shall provide the coverage required by subsection (4) of this section beginning with the first dollar of a claim and have the duty to defend such claim except under circumstances as set forth in subsection (2) of this section.

(9) Coverage under an automobile insurance policy maintained by the peer-to-peer car sharing program shall not be dependent on another automobile insurer first denying a claim nor shall another automobile insurance policy be required to first deny a claim.

(10) Nothing in this act:

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

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.08: Notification of implications of lien.

At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and before the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car 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 peer-to-peer car sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.09: Exclusions in motor vehicle liability insurance policies.

(1) An authorized insurer that writes motor vehicle liability insurance in the state may exclude any and all coverage and the duty to defend or indemnify for any claim afforded under a shared vehicle owner's motor vehicle liability insurance policy, including, but not limited to:

- (a) Liability coverage for bodily injury and property damage;
- (b) Uninsured and underinsured motorist coverage;
- (c) Medical payments coverage;
- (d) Comprehensive physical damage coverage; and
- (e) Collision physical damage coverage.

(2) Nothing in this act:

- (a) Invalidates or limits an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing or hire or for any business use;
- (b) Invalidates, limits or restricts an insurer's ability under existing law to underwrite any insurance policy; or
- (c) Invalidates, limits or restricts an insurer's ability under existing law to cancel and nonrenew policies.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.10: Recordkeeping; use of vehicle in car sharing. A peer-to-peer car sharing program shall collect and verify records pertaining to the use of a vehicle, including, but not limited to, 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 and provide that information 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. The peer-to-peer car sharing program shall retain the records for a time period not less than the three-year limitation under Section 15-1-49.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.11: Vicarious liability. A peer-to-peer car sharing program and a shared vehicle owner shall be exempt from vicarious liability consistent with 49 USC Section 30106 and under any state or local law that imposes liability solely based on vehicle ownership.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.12: Contribution against indemnification. A motor vehicle insurer that defends or indemnifies a claim against a shared vehicle that is excluded under the terms of its policy shall have the right to seek recovery against the motor vehicle insurer of the peer-to-peer car sharing program if the claim is:

- (a) Made against the shared vehicle owner or the shared vehicle driver for loss or injury that occurs during the car sharing period; and
- (b) Excluded under the terms of its policy.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.13: Insurable interest.

(1) Notwithstanding any other law, statute, rule or regulation to the contrary, a peer-to-peer car sharing program shall have an insurable interest in a shared vehicle during the car sharing period.

(2) Nothing in this section creates liability on a peer-to-peer car sharing program to maintain the coverage mandated by Section 3 of this act.

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

- (a) Liabilities assumed by the peer-to-peer car sharing program under a peer-to-peer car sharing program agreement;
- (b) Any liability of the shared vehicle owner; or
- (c) Damage or loss to the shared motor vehicle or any liability of the shared vehicle driver.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.14: Consumer protection disclosures.

(1) Each car sharing program agreement made in the state shall disclose to the shared vehicle owner and the shared vehicle driver:

- (a) Any right of the peer-to-peer car sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement;
- (b) That a motor vehicle liability insurance policy issued to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer car sharing program;

- (c) That the peer-to-peer car sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver is in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the car sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage;
- (d) The daily rate, fees, and if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver;
- (e) That the shared vehicle owner's motor vehicle liability insurance may not provide coverage for a shared vehicle;
- (f) An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries; and
- (g) If there are conditions under which a shared vehicle driver must maintain a personal automobile insurance policy with certain applicable coverage limits on a primary basis in order to book a shared motor vehicle.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.15: Driver's license verification and data retention.

(1) A peer-to-peer car sharing program may not enter into a peer-to-peer car sharing program agreement with a driver unless the driver who will operate the shared vehicle:

- (a) Holds a driver's license issued under Section 63-1-5 that authorizes the driver to operate vehicles of the class of the shared vehicle; or
- (b) Is a nonresident who:
 - (i) Has a driver's license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive vehicles of the class of the shared vehicle; and
 - (ii) Is at least the same age as that required of a resident to drive; or
- (c) Otherwise is specifically authorized under Title 63, Chapter 1, Mississippi Code of 1972, to drive vehicles of the class of the shared vehicle.

(2) A peer-to-peer car sharing program shall keep a record of:

- (a) The name and address of the shared vehicle driver;

- (b) The number of the driver's license of the shared vehicle driver and each other person, if any, who will operate the shared vehicle; and
- (c) The place of issuance of the driver's license.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.16: Responsibility for equipment. A peer-to-peer car sharing program shall have sole responsibility for any equipment, such as a GPS system or other special equipment that is put in or on the vehicle to monitor or facilitate the car sharing transaction, and shall agree to indemnify and hold harmless the vehicle owner for any damage to or theft of such equipment during the sharing period not caused by the vehicle owner. The peer-to-peer car sharing program has the right to seek indemnity from the shared vehicle driver for any loss or damage to such equipment that occurs during the sharing period.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.17: Automobile safety recalls.

(1) At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and before the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall:

- (a) Verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not been made; and
- (b) Notify the shared vehicle owner of the requirements under subsection (2) of this section.

(2)

- (a) If the shared vehicle owner has received an actual notice of a safety recall on the vehicle, a shared vehicle owner shall not make a vehicle available as a shared vehicle on a peer-to-peer car sharing program until the safety recall repair has been made.
- (b) If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is made available on the peer-to-peer car sharing program, the shared vehicle owner shall remove the shared vehicle as available on the peer-to-peer car sharing program, as soon as practicably possible after receiving the notice of the safety recall and until the safety recall repair has been made.
- (c) If a shared vehicle owner receives an actual notice of a safety recall while the shared vehicle is being used in the possession of a shared vehicle driver, as soon as practicably possible after receiving the notice of the safety recall, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall so that the shared vehicle owner may address the safety recall repair.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.18: Inspection of Records and Response to Complaints

(1) For the sole purpose of verifying that a peer-to-peer car sharing program is in compliance with the requirements of the Peer-to-Peer Car Sharing Program Act, the Mississippi Department of Insurance shall have the right to visually inspect records that the peer-to-peer car sharing program is required to maintain. Upon reasonable notice, records requested by the Mississippi Department of Insurance shall be made available for review at the Offices of the Mississippi Department of Insurance or some other mutually agreed upon location in the State of Mississippi. The expenses of any examination shall be borne and paid by the peer-to-peer car sharing program that is under examination.

(2) In response to a specific complaint against any peer-to-peer car sharing program, shared vehicle owner, and/or shared vehicle driver, the Mississippi Department of Insurance is authorized to inspect records held by the peer-to-peer car sharing program that are necessary to investigate and resolve the complaint.

(3) No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the commissioner under this section.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.19: Violations, Hearings, and Appeals

(1) Failure of an applicant or licensee to comply with a material provision of the Peer-to-Peer Car Sharing Program Act or this regulation is considered a violation of applicable laws. The Commissioner of Insurance may deny a permit application or suspend or revoke a permit, after giving notice of hearing to the applicant or permittee by serving a written statement of charges on the permittee or its registered agent at least twenty (20) days prior to a hearing, for any violation of the Peer-to-Peer Car Sharing Program Act, Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session, or this Regulation. Service shall be deemed accomplished three (3) days after the date of mailing, via certified mail, of the notice of hearing by the Mississippi Insurance Department, addressed to the permittee or its registered agent. In the case of personal delivery, service shall be deemed accomplished on the date of personal delivery to the permittee or its registered agent. The notice may also be served upon the permittee by electronic (email) delivery with a delivery receipt, if an electronic mail address has been provided. The Mississippi Insurance Department is not required to provide a court reporter to make a record of the testimony given at the hearing, and the record of testimony may be taken through audio recording or other appropriate means, which may be transcribed by employees of the Mississippi Insurance Department, and will constitute the record of testimony in the event of an appeal. Any respondent may provide its own method of recording testimony, including retaining a court reporter, at the respondent's own expense.

(2) The rules of order and procedure for any hearing held pursuant to subpart 1 of this Rule shall be in accordance with 19 Miss. Admin. Code, Part 1, Chapter 15 (Rules of Practice and Procedure before the Mississippi Insurance Department and State Fire Marshal's Office), unless in conflict with the specific provisions of this regulation.

(3) Any peer-to-peer car sharing program that is a party to any hearing before the Commissioner and who is aggrieved by any decision of the Commissioner with respect to any hearing before him, shall have the right of appeal to the Circuit Court of Hinds County, Mississippi, pursuant to the provisions of the Mississippi Uniform Circuit and County Court Rules. All such appeals shall be appeals on the record, including a transcript of pleadings and evidence, both oral and documentary, heard and filed before the commissioner.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.20: Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*

Rule 1.21: Effective Date

The Effective Date of this Regulation shall be January 18, 2025.

Source: *Mississippi Senate Bill No. 2530, 2024 Regular Legislative Session.*