

SENATE No. 2113

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to peer to peer car sharing.

PETITION OF:

NAME:

Jason M. Lewis

DISTRICT/ADDRESS:

Fifth Middlesex

SENATE No. 2113

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 2113) of Jason M. Lewis for legislation relative to peer to peer car sharing. Transportation.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to peer to peer car sharing.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The General Laws are hereby amended by inserting after chapter 182 the
2 following chapter:-

3 Chapter 183. Peer to peer car sharing

4 Section 1.As used in this section the following words have the following meanings:-

5 (a) “Personal vehicle sharing program”, a legal entity qualified to do business in this state
6 engaged in the business of facilitating the sharing of private passenger motor vehicles for
7 noncommercial use by individuals within this state.

8 (b) “Department”, the department of public utilities.

9 Section 2. (a) In consultation with the department, a personal vehicle sharing program
10 shall provide the vehicle registration information of each vehicle offered for rent to the
11 department and to the Massachusetts Department of Transportation.

(b) A personal vehicle sharing program shall provide clear and conspicuous transportation cost estimates to consumers including potential additional charges.

(c) A personal vehicle sharing program shall affix a clear and conspicuous symbol to each vehicle in use by any person other than its owner through a personal vehicle sharing program. The symbol shall be approved by the department of public utilities prior to use of any vehicle through a personal vehicle sharing program.

(d) In consultation with state police, local law enforcement and the registry of motor vehicles, the department shall ensure the safety and inspection of vehicles in the network of the personal vehicle sharing program.

Section 3. (a) If the department determines, after notice and a hearing, that a personal vehicle sharing program is in violation of this section or any rule or regulation promulgated under this section, the department shall issue a monetary penalty or take other action that the department deems necessary. In determining the amount of the monetary penalty, the department shall consider, without limitation, the size of the personal vehicle sharing program based on a personal vehicle sharing program's intrastate operating revenues for the previous calendar year, the gravity of the violation, the degree to which the personal vehicle sharing program exercised good faith in attempting to achieve compliance or to remedy non-compliance and previous violations by the personal vehicle sharing program cited by the department.

The department shall issue rules and regulations to establish a process for administrative appeal of any penalty, suspension or revocation imposed in accordance with this section.

(b) Any party aggrieved by a final order or decision of the department pursuant to this section may institute proceedings for judicial review in the superior court within 30 days after

34 receipt of such order or decision. Any proceedings in the superior court shall, insofar as
35 applicable, be governed by the provisions of section 14 of chapter 30A, and may be instituted in
36 the superior court for the county (i) where the parties or any of them reside or have their
37 principal place of business within the commonwealth; (ii) where the department has its principal
38 place of business; or (iii) of Suffolk. The commencement of such proceedings shall not, unless
39 specifically ordered by the court, operate as a stay of the department's order or decision.

40 Section 4. The department in consultation with the Massachusetts Department of
41 Transportation, shall promulgate regulations to implement this section.