

2021 Kansas Statutes

8-2802. Same; definitions. As used in this act:

(a) "Act" means the peer-to-peer vehicle sharing program act.

(b) "Peer-to-peer vehicle sharing" means the authorized use of a shared vehicle by an individual other than the shared vehicle's owner through a peer-to-peer vehicle sharing program. "Peer-to-peer vehicle sharing" does not include:

(1) The rental or lease of a motor vehicle for purposes of K.S.A. 79-5117, and amendments thereto;

(2) the use of a vehicle for demonstrations purposes; or

(3) a leased, temporarily loaned or borrowed vehicle owned by a new or used vehicle dealer licensed under the provisions of K.S.A. 8-2401 et seq., and amendments thereto.

(c) "Peer-to-peer vehicle sharing program" means a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration. "Peer-to-peer vehicle sharing program" does not include:

(1) A rental car company;

(2) a lessor, as defined in K.S.A. 50-656, and amendments thereto;

(3) a service provider who is solely providing hardware or software as a service to a person or entity that is not effectuating payment of financial consideration for use of a shared vehicle;

(4) the use of a vehicle for demonstration purposes; or

(5) a leased, temporarily loaned or borrowed vehicle owned by a new or used vehicle dealer licensed under the provisions of K.S.A. 8-2401 et seq., and amendments thereto.

(d) "Vehicle sharing program agreement" means the terms and conditions applicable to a shared vehicle owner, a shared vehicle driver and a peer-to-peer vehicle sharing program that govern the use of a shared vehicle through a peer-to-peer vehicle sharing program. "Vehicle sharing program agreement" does not include:

(1) A rental agreement, as defined in K.S.A. 50-656, and amendments thereto;

(2) the use of a vehicle for demonstration purposes; or

(3) a leased, temporarily loaned or borrowed vehicle owned by a used or new vehicle dealer licensed under the provisions of K.S.A. 8-2401 et seq., and amendments thereto.

(e) "Shared vehicle" means a vehicle that is available for sharing through a peer-to-peer vehicle sharing program. "Shared vehicle" does not include:

(1) A rental vehicle, as defined in K.S.A. 50-656, and amendments thereto;

(2) a vehicle that is used for demonstration purposes; or

(3) a lease, temporarily loaned or borrowed vehicle owned by a new or used vehicle dealer licensed under the provisions of K.S.A. 8-2401 et seq., and amendments thereto.

(f) "Shared vehicle driver" means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a vehicle sharing program agreement. "Shared vehicle driver" does not include:

(1) A lessee, as defined in K.S.A. 50-656, and amendments thereto;

(2) the operator of a vehicle that is used for demonstration purposes; or

(3) the operator of a leased, temporarily loaned or borrowed vehicle owned by a new or used vehicle dealer licensed under the provisions of K.S.A. 8-2401 et seq., and amendments thereto.

(g) (1) "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 vehicle sharing program.

(2) "Shared vehicle owner" does not include:

- (A) A lessor, as defined in K.S.A. 50-656, and amendments thereto;
 - (B) an owner of a vehicle that is used for demonstration purposes; or
 - (C) a leased, temporarily loaned or borrowed vehicle owned by a new or used vehicle dealer licensed under the provisions of K.S.A. 8-2401 et seq., and amendments thereto.
- (3) A "shared vehicle owner" is not a rental car company, a leasing company or any similar term, under any statute or rule and regulation.
- (h) "Vehicle sharing delivery period" means the period of time during which a shared vehicle is being delivered to the location of the vehicle sharing start time, if applicable, as documented by the governing vehicle sharing program agreement.
- (i) "Vehicle sharing period" means the period of time that commences with the vehicle sharing delivery period or, if there is no vehicle sharing delivery period, that commences with the vehicle sharing start time and, in either case, that ends at the vehicle sharing termination time.
- (j) "Vehicle 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 vehicle sharing program.
- (k) "Vehicle sharing termination time" means the earliest of the following events:
- (1) The expiration of the agreed-upon period of time established for the use of a shared vehicle according to the terms of the vehicle sharing program agreement if the shared vehicle is delivered to the location agreed upon in the vehicle sharing program agreement;
 - (2) 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 vehicle sharing program and such alternatively agreed upon location is incorporated into the vehicle sharing program agreement; or
 - (3) when the shared vehicle owner or the shared vehicle owner's authorized designee takes possession and control of the shared vehicle.

History: L. 2021, ch. 55, § 2; January 1, 2022.