



INFORMATIVE NOTE

2018

Driverless Rental Cars

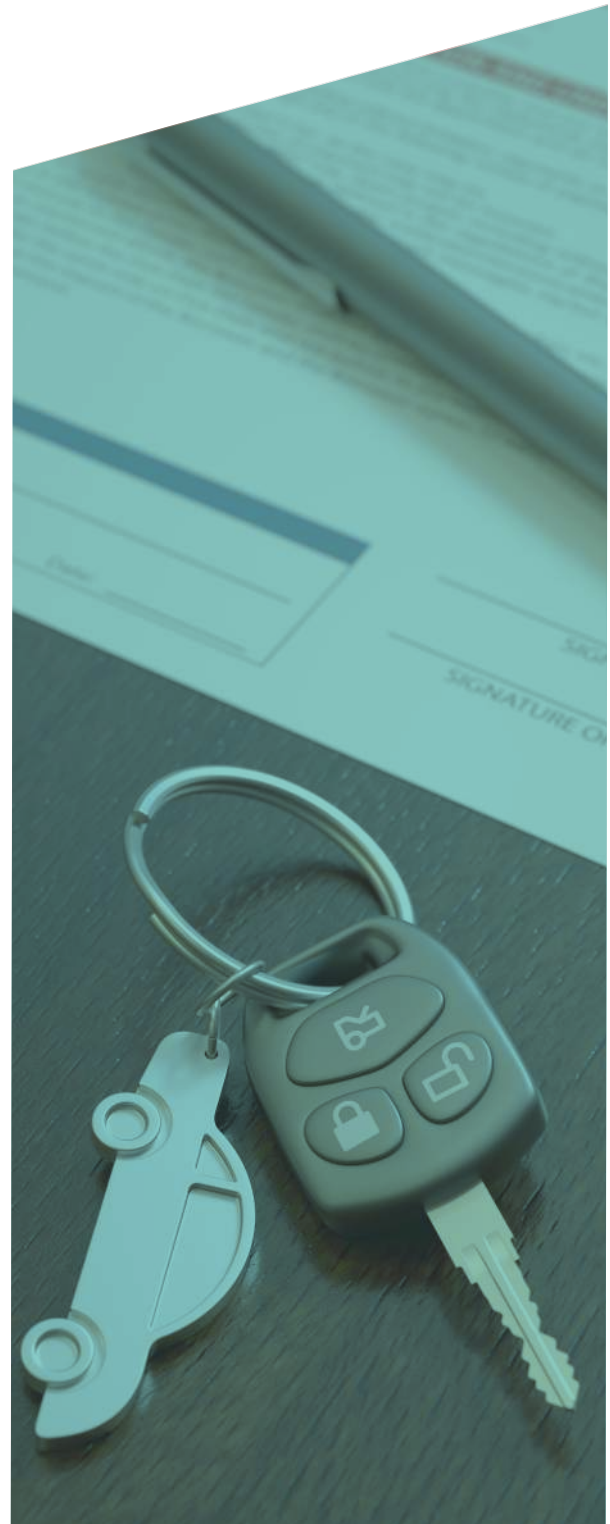
On the 20th of June it was approved the Decree-Law no. 47/2018, of June 20th, which proceeds to the second amendment to Decree-Law no. 181/2012, of August 6th, and regulates the conditions of access and exercise of the activity of rental of unmanned passenger vehicles (*rent-a-car*).

In accordance with the abovementioned decree-law there is, on the one hand, an extension of its respective object, which now includes the regulation of the activity of sharing of passenger vehicles.

On the other hand, it is expanded the scope of exclusion of application of this Decree-Law, being clarified that it shall not apply to contracts that provide services other than the rental of a vehicle (for example, leasing contracts, contracts for the provision of long-term rental services or contracts that include the provision of ancillary services to the vehicle rental, among others).

As regards the vehicle sharing activity - the innovative activity now being regulated - it is a business model which places "(...) *at the disposal of a user, passenger cars, with or without a motor, for public use, for short periods of time, typically integrated into urban and short-distance transport solutions*".

In this context, it shall be considered to be a short-term and short-distance period the use of said vehicle for up to 12 hours and not exceeding 100 km.



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The simplification of this regime was also a concern in the amendment of this legislation, and it was sought to dematerialize and unbureaucratize the procedure applicable to the access and exercise of these rent-a-car and vehicle sharing activities, thus opting, whenever possible, for electronic means.

To that extent, and in the scope of the rent-a-car activity, there is now the possibility of signing contracts in electronic format, as well as the delivery of proof of the return of the vehicle also through electronic media.

In turn, the access and exercise of the sharing activity is based on an electronic platform, which should be provided by the lessors and include all the necessary information for users interested in benefiting from the sharing of vehicles, and the respective rental agreement should be preferably concluded in electronic form.

Finally, we point out one last change related to the rule established for the calculation of the amount to be charged by the lessor in the cases of return of the vehicle with lower fuel level: in these situations, the lessor can only charge the user a proportional amount in relation to the costs incurred in its supply.

For those operators already engaged in the sharing activity as of the date of entry into force of this diploma, they have 120 days (i.e. until October 29th, 2018) to adapt to the requirements now established, in particular (i) to proceed to prior communication before the online service *Balcão do Empreendedor*, (ii) to incorporate an electronic reservation system and make the said electronic platform available with all necessary information (if they do not already have such means), and (iii) to adjust, when necessary, the entire rental procedure, from the reservation to the return of the vehicle.

In addition, these operators should, within the same period, verify that the content of their contracts (and the vehicles they make available) also comply with the requirements established in the diploma.

This Decree-Law, which republishes the initial diploma, entered into force on July 1st, 2018.

For further information please contact:

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