

1 **H. B. 2868**

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3 (By Delegates Perry, Andes, Pasdon, Westfall,
4 Stowers and Skaff)

5 [Introduced March 8, 2013; referred to the
6 Committee on Roads and Transportation then the
7 Judiciary.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §17A-6D-16, relating
12 to daily passenger rental car business; and allowing rental
13 vehicle contracts to include a vehicle licensing cost recovery
14 fee.

15 *Be it enacted by the Legislature of West Virginia:*

16 That the Code of West Virginia, 1931, as amended, be amended
17 by adding thereto a new section, designated §17A-6D-16, to read as
18 follows:

19 **ARTICLE 6D. DAILY PASSENGER RENTAL CAR BUSINESS.**

20 **§17A-6D-16. Vehicle license cost recovery fee charged by daily**
21 **passenger rental car company.**

22 (a) As used in this section:

23 (1) "Vehicle license costs" means the costs incurred by a
24 daily passenger rental car company for licensing, titling,

1 registration, property tax, plating and inspecting rental motor
2 vehicles; and

3 (2) "Vehicle license cost recovery fee" means a charge on a
4 vehicle rental transaction originating within this state that may
5 be separately stated on the rental agreement to recover vehicle
6 license costs.

7 (b) Method for vehicle cost recovery.

8 (1) If a daily passenger car rental company includes a vehicle
9 license cost recovery fee as a separately stated charge in a rental
10 transaction, the amount of the fee shall represent the company's
11 good-faith estimate of the daily passenger rental car daily charge
12 to recover its actual total annual vehicle license costs.

13 (2) If the total amount of the vehicle license cost recovery
14 fees collected by a daily passenger rental car company under this
15 section in any calendar year exceeds the company's actual vehicle
16 license costs, the daily passenger car rental company shall:

17 (A) Retain the excess amount; and

18 (B) Adjust the vehicle cost recovery fee for the following
19 calendar year by a corresponding amount.

20 (c) Nothing in this section prevents a daily passenger car
21 rental company from including, or making adjustments during the
22 calendar year to, separately stated surcharges, fees or charges in
23 the rental agreement, which may include, but are not limited to,
24 vehicle license cost recovery fees, airport access fees, airport

1 concession fees, consolidated facility charges and all applicable
2 taxes.

NOTE: The purpose of this bill is to direct rental vehicle companies whose contracts include a vehicle licensing cost recovery fee to apply all revenues collected by each listed fee, towards the payment of the costs listed in the consumer contract. It directs that all excess fees collected at the end of the fiscal year be applied towards the same costs the following year.

§17A-6D-16 is new; therefore, it has been completely underscored.