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                          Senate Bill No. 491
 2 (By Senators M. Hall, Beach, Carmichael, Kessler (Mr. President),
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                          McCabe and Walters)
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        [Introduced March 8, 2013; referred to the Committee on
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                  Transportation and Infrastructure.]
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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
        adding thereto a new section, designated $17A-6D-16, relating
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       to daily passenger rental car business; and allowing rental
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        vehicle contracts to include a vehicle licensing cost recovery
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        fee.
15 Be it enacted by the Legislature of West Virginia:
        That the Code of West Virginia, 1931, as amended, be amended
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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
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                   passenger rental car company.
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        (a) As used in this section:
        (1) "Vehicle license costs" means the costs incurred by a
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- 1 daily passenger rental car company for licensing, titling,
- 2 registration, property tax, plating and inspecting rental motor
- 3 vehicles; and
- 4 (2) "Vehicle license cost recovery fee" means a charge on a
- 5 vehicle rental transaction originating within this state that may
- 6 be separately stated on the rental agreement to recover vehicle
- 7 license costs.
- 8 (b) Method for vehicle cost recovery. -
- 9 (1) If a daily passenger car rental company includes a vehicle
- 10 license cost recovery fee as a separately stated charge in a rental
- 11 transaction, the amount of the fee shall represent the company's
- 12 good-faith estimate of the daily passenger rental car daily charge
- 13 to recover its actual total annual vehicle license costs.
- 14 (2) If the total amount of the vehicle license cost recovery
- 15 fees collected by a daily passenger rental car company under this
- 16 section in any calendar year exceeds the company's actual vehicle
- 17 license costs, the daily passenger car rental company shall:
- 18 (A) Retain the excess amount; and
- 19 (B) Adjust the vehicle cost recovery fee for the following
- 20 calendar year by a corresponding amount.
- 21 (c) Nothing in this section prevents a daily passenger car
- 22 rental company from including, or making adjustments during the
- 23 calendar year to, separately stated surcharges, fees or charges in
- 24 the rental agreement, which may include, but are not limited to,

- 1 vehicle license cost recovery fees, airport access fees, airport
- 2 concession fees, consolidated facility charges and all applicable
- 3 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, strike-throughs and underscoring have been omitted.)