

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2762

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AZINGER

[Introduced January 30, 2019; Referred
to the Committee on Technology and Infrastructure
then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §17A-6D-17; and to amend and reenact §17B-4-6 of said code, all relating to
 3 authorizing daily passenger rental car companies to charge reasonable administrative
 4 fees when the fees are incidental to or arising from the rental car transaction; modernizing
 5 rental car transactions, permitting digital and electronic rentals; providing for motor vehicle
 6 rentals by private vehicle rental program providers under certain circumstances; providing
 7 that a rental car provider has met certain obligations when the renter has not executed a
 8 rental agreement or interacts with an employee of the provider; providing that all person
 9 engaging in rental car transactions including private vehicle rental program providers are
 10 subject the provisions contained in this code; and defining terms.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,
 CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

ARTICLE 6D. DAILY PASSENGER RENTAL CAR BUSINESS.

§17A-6D-17. Authorized administrative fees.

1 (a) As used in this section, “administrative fees” means reasonable costs associated with
 2 collecting debts arising from the master rental agreement, which may include, but are not limited
 3 to, parking tickets, tolls, and other nonmoving violations incurred by the rental customer.

4 (b) Despite the provisions of §46A-2-128 of this code to the contrary, a daily passenger
 5 rental car company may collect or charge administrative fees incidental to, or arising from, the
 6 rental transaction when such administrative fees are expressly authorized by the master rental
 7 agreement and affirmatively acknowledged by the rental customer.

CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

ARTICLE 4. VIOLATION OF LICENSE PROVISIONS.

§17B-4-6. Renting motor vehicle to another.

1 (a) For the purposes of this section only:

2 “Private vehicle rental program” is any means, digital or otherwise, by which a private
3 vehicle rental is facilitated by a private vehicle rental program provider.

4 “Private vehicle rental program provider” means the corporation, sole proprietorship or
5 other entity or person that is responsible for operating, facilitating or administering vehicle rental
6 transactions through a private vehicle rental program.

7 “Motor vehicle rental company” means any corporation, sole proprietorship or other entity
8 or person licensed pursuant to the provisions of §17A-6D-1 of this code, including a franchisee,
9 engaged in the business of facilitating vehicle rental transactions in this state. For the purposes
10 of this section only, motor vehicle rental company does not include a private vehicle rental owner
11 who makes no more than three vehicles available for rent through any private vehicle rental
12 program, or through any combination of private vehicle rental programs, during a 12 month period.

13 (b) No person shall rent a motor vehicle to any other person unless the latter person is
14 then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws
15 of the state or country of his or her residence.

16 (c) No person shall rent a motor vehicle to another until he or she has inspected the
17 operator's or chauffeur's license of the person to whom the vehicle is to be rented and compared
18 and verified the signature thereon with the signature of such person written in his or her presence.

19 (d) Every person renting a motor vehicle to another shall keep a record of the registration
20 number of the motor vehicle so rented, the name and address of the person to whom the vehicle
21 is rented, the number of the license of said latter person and the date and place when and where
22 said license was issued. Such record shall be open to inspection by any police officer or officer
23 or employee of the department.

24 (e) Every person renting a motor vehicle to another, including a private vehicle rental
25 program provider, shall be subject to the provisions of this code including, but not limited to, all
26 taxation, licensing, and insurance requirements.

27 (f) Any notice or disclosure required by this code shall be deemed timely and effectively
28 made where such notice or disclosure is provided or delivered electronically at or before the time
29 required or included in a master agreement in effect at the time of the rental.

30 (g) Electronic or written acceptance shall hereby be deemed a valid form of acceptance
31 of any such notice or disclosure, and acceptance shall remain in effect until such time as any such
32 acceptance is affirmatively withdrawn by the renter.

33 (h) If a motor vehicle rental company or private vehicle rental program provider facilitates
34 rentals via digital, electronic, or other means that allow customers to obtain possession of a
35 vehicle without in person contact with an agent or employee of the provider, or where the renter
36 does not execute a rental contract at the time of rental, the provider shall be deemed to have met
37 all obligations to physically inspect and compare a renter's driver license pursuant to this article
38 when such provider:

39 (1) At the time a renter enrolls, or any time thereafter, in a membership program, master
40 agreement, or other means of establishing use of the provider's services, requires verification that
41 the renter is a licensed driver; or

42 (2) Prior to the renter taking possession of the rental vehicle, the provider requires
43 documentation that verifies the renter's identity.

NOTE: The purpose of this bill is to modernize rental car interactions. The bill permits daily passenger rental car companies to collect reasonable administrative fees incidental to, or arising from, the rental transaction when the administrative fees are expressly authorized by the master agreement and acknowledged by the customer. The legislation permits digital and electronic rentals and provides that a rental car provider has met certain obligations when the renter has not executed a rental agreement or interacts with an employee of the provider. The bill permits motor vehicle rentals by private vehicle rental program providers under certain circumstances. The bill also defines terms and provides that all person engaging in rental car transactions including private vehicle rental program providers are subject the provisions contained in this chapter.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.