

1 **ENROLLED**

2 **Senate Bill No. 491**

3 (By SENATORS M. HALL, BEACH, CARMICHAEL, KESSLER (MR. PRESIDENT), MCCABE AND
4 WALTERS)

5 _____
6 [Passed April 11, 2013; in effect ninety days from passage.]
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9
10 AN ACT 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

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.