

Senate Bill No. 491

(By Senators M. Hall, Beach, Carmichael, Kessler (Mr. President), McCabe and Walters)

[Introduced March 8, 2013; referred to the Committee on Transportation and Infrastructure.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 6D. DAILY PASSENGER RENTAL CAR BUSINESS.

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

1 (a) As used in this section:

2 (1) “Vehicle license costs” means the costs incurred by a
3 daily passenger rental car company for licensing, titling,
4 registration, property tax, plating and inspecting rental motor
5 vehicles; and

6 (2) “Vehicle license cost recovery fee” means a charge on
7 a vehicle rental transaction originating within this state that
8 may be separately stated on the rental agreement to recover
9 vehicle license costs.

10 (b) *Method for vehicle cost recovery.* –

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

17 (2) If the total amount of the vehicle license cost recovery
18 fees collected by a daily passenger rental car company under
19 this section in any calendar year exceeds the company’s
20 actual vehicle license costs, the daily passenger car rental
21 company shall:

- 22 (A) Retain the excess amount; and
- 23 (B) Adjust the vehicle cost recovery fee for the following
- 24 calendar year by a corresponding amount.
- 25 (c) Nothing in this section prevents a daily passenger car
- 26 rental company from including, or making adjustments
- 27 during the calendar year to, separately stated surcharges, fees
- 28 or charges in the rental agreement, which may include, but
- 29 are not limited to, vehicle license cost recovery fees, airport
- 30 access fees, airport concession fees, consolidated facility
- 31 charges and all applicable 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.)