

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4559**

BY DELEGATES WESTFALL, HORNBUCKLE, LANE, AND R.

MILLER

[Introduced February 13, 2018; Referred  
to the Committee on Roads and Transportation then  
the Judiciary.]

1 A BILL to amend and reenact §17B-4-6 of the Code of West Virginia, 1931, as amended, relating  
 2 to modernizing rental car interactions; permitting digital and electronic rentals; providing  
 3 that a rental car provider has met certain obligations when the renter has not executed a  
 4 rental agreement or interacts with an employee of the provider; and defining terms.

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

**ARTICLE 4. VIOLATION OF LICENSE PROVISIONS.**

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

1 (a) As used in this section:

2 “Private vehicle rental program provider” means the corporation, sole proprietorship or  
 3 other entity or person that is responsible for operating, facilitating or administering the rental of  
 4 private motor vehicles, which are insured under a personal automobile liability insurance policy,  
 5 by any means, digital or otherwise.

6 “Rental car provider” means any person or entity in the business of facilitating the rental  
 7 of primarily private passenger vehicles to the public under a rental agreement for a period not to  
 8 exceed 90 days.

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

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

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

20 (e) If a rental car provider, including a private vehicle rental program provider, facilitates  
21 rentals via digital, electronic, or other means that allow customers to obtain possession of a  
22 vehicle without in person contact with an agent or employee of the provider, or where the renter  
23 does not execute a rental contract at the time of rental, the provider shall be deemed to have met  
24 all obligations to physically inspect and compare a renter's driver license pursuant to this article  
25 when that provider:

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

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

NOTE: The purpose of this bill is to modernize rental car interactions. The bill permits digital and electronic rentals. The bill 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 defines terms.

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