

ENROLLED BILL
-- Environmental Matters/Finance --

Introduced by ~~Delegate Moe~~ **Delegates Moe and Cane**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Rental Vehicle Companies - ~~Prohibition on~~ Separately Stated**
3 **Charges**

4 FOR the purpose of ~~prohibiting~~ authorizing a rental vehicle company ~~from charging~~
5 to charge a consumer a separately stated fee to recover ~~the rental vehicle~~
6 ~~company's titling and registration costs for its fleet of rental vehicles unless the~~
7 ~~fee represents a good faith estimate of certain costs and is itemized and~~
8 ~~described in a rental agreement in a certain manner~~ certain costs incurred by the
9 rental vehicle company; authorizing a rental vehicle company to determine the
10 amount of a separately stated fee under certain circumstances; requiring a rental
11 vehicle company to adjust the amount of the fee under certain circumstances;
12 requiring a rental vehicle company to include certain information relating to the
13 fee in an advertisement ~~except under certain circumstances~~; requiring a certain
14 separately stated fee to be described in a rental agreement in a certain manner;
15 requiring a rental vehicle company to post a certain fee description on its website
16 under certain circumstances; defining a certain term; and generally relating to
17 rental vehicle fees.

1 BY adding to
 2 Article - Transportation
 3 Section 18-108
 4 Annotated Code of Maryland
 5 (2002 Replacement Volume and 2005 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article - Transportation**

9 18-108.

10 (A) IN THIS SECTION, "RENTAL VEHICLE COMPANY" MEANS A PERSON THAT
 11 RENTS A MOTOR VEHICLE TO A CONSUMER.

12 (B) A RENTAL VEHICLE COMPANY MAY NOT CHARGE A CONSUMER A
 13 SEPARATELY STATED FEE TO RECOVER THE FOLLOWING COSTS INCURRED BY THE
 14 RENTAL VEHICLE COMPANY:

15 (1) ANY PORTION OF THE RENTAL VEHICLE COMPANY'S TITLING AND
 16 REGISTRATION COSTS INCURRED UNDER TITLE 13 OF THIS ARTICLE FOR ITS FLEET
 17 OF RENTAL VEHICLES, ~~UNLESS THE FEE;~~

18 (2) ANY CONCESSION FEES PAID TO A GOVERNMENT OWNED OR
 19 OPERATED:

20 (I) AIRPORT; OR

21 (II) OTHER ENTITY;

22 (3) ANY CONSOLIDATED FACILITY FEES IMPOSED BY A GOVERNMENT
 23 OWNED OR OPERATED ENTITY TO APPLY FOR THE USE OF THE FACILITY BY THE
 24 RENTAL VEHICLE COMPANY OR OTHERWISE RELATED TO THE USE OF THE FACILITY;
 25 OR

26 (4) ANY OTHER FEE OR CHARGE IMPOSED BY A GOVERNMENTAL
 27 ENTITY.

28 (1) ~~REPRESENTS A GOOD FAITH ESTIMATE BY THE RENTAL VEHICLE~~
 29 ~~COMPANY OF THE AVERAGE PER DAY PER VEHICLE PORTION OF THE RENTAL~~
 30 ~~VEHICLE COMPANY'S TOTAL ANNUAL TITLING AND REGISTRATION COSTS INCURRED~~
 31 ~~UNDER TITLE 13 OF THIS ARTICLE;~~

32 (2) ~~IS ITEMIZED IN A RENTAL AGREEMENT SEPARATELY FROM OTHER~~
 33 ~~CHARGES TO THE CONSUMER; AND~~

34 (3) ~~IS DESCRIBED IN THE RENTAL AGREEMENT AS:~~

1 ~~"THE ESTIMATED AVERAGE PER DAY PER VEHICLE PORTION OF THE~~
2 ~~RENTAL COMPANY'S TOTAL ANNUAL TITLING AND REGISTRATION COSTS".~~

3 (C) (1) A RENTAL VEHICLE COMPANY MAY DETERMINE THE AMOUNT OF A
4 SEPARATELY STATED FEE IT WILL CHARGE TO RECOVER COSTS DESCRIBED UNDER
5 SUBSECTION (B)(1) OF THIS SECTION, PROVIDED THAT THE RENTAL VEHICLE
6 COMPANY DOES NOT INTEND TO RECOVER AN AMOUNT IN EXCESS OF THE COSTS IT
7 ACTUALLY INCURS.

8 (2) IF THE TOTAL AMOUNT OF THE FEES COLLECTED BY A RENTAL
9 VEHICLE COMPANY UNDER THIS SECTION DURING A 12-MONTH PERIOD EXCEEDS
10 THE RENTAL VEHICLE COMPANY'S ACTUAL TITLING AND REGISTRATION COSTS
11 INCURRED DURING THE SAME 12-MONTH PERIOD, THE RENTAL VEHICLE COMPANY
12 SHALL:

13 ~~(+)~~ (1) RETAIN THE EXCESS AMOUNT; AND

14 ~~(2)~~ (II) ADJUST THE ESTIMATED AVERAGE PER DAY PER VEHICLE
15 ~~TITLING AND REGISTRATION~~ CHARGE FOR THE FOLLOWING 12-MONTH PERIOD BY A
16 CORRESPONDING AMOUNT.

17 (D) IF A RENTAL VEHICLE COMPANY ADVERTISES THE RENTAL RATE FOR A
18 VEHICLE AVAILABLE FOR RENT IN THE STATE, THE ~~FEE~~ FEES AUTHORIZED UNDER
19 THIS SECTION SHALL BE INCLUDED IN THE ADVERTISED PRICE, UNLESS THE
20 ADVERTISEMENT CLEARLY AND CONSPICUOUSLY DISCLOSES THE MAXIMUM DAILY
21 AMOUNT OF THE FEE CLEARLY DISCLOSED IN THE ADVERTISEMENT.

22 (E) (1) THE SEPARATELY STATED FEE AUTHORIZED FOR RECOVERY OF
23 COSTS DESCRIBED UNDER SUBSECTION (B)(1) OF THIS SECTION SHALL BE
24 DESCRIBED IN THE RENTAL AGREEMENT AS:

25 "THE ESTIMATED AVERAGE PER DAY PER VEHICLE PORTION OF THE RENTAL
26 COMPANY'S TOTAL ANNUAL TITLING AND REGISTRATION COSTS".

27 (2) A RENTAL VEHICLE COMPANY SHALL POST THE STATEMENT
28 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION ON THE RENTAL VEHICLE
29 COMPANY'S WEBSITE, IF ANY, FOR CONSUMERS PARTICIPATING IN AN EXTENDED
30 RENTAL PROGRAM UNDER A MASTER RENTAL AGREEMENT.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2006.

