

# HOUSE BILL 1759

R7

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By: **Delegates Flanagan, McCray, Beidle, and Davis**

Introduced and read first time: February 21, 2018

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Personal Motor Vehicle Rentals**

3 FOR the purpose of establishing provisions of law governing the rental of personal motor  
4 vehicles to other persons in a certain manner; establishing that certain persons may  
5 rent only certain classes of personal motor vehicles to other persons; prohibiting a  
6 renter of a personal motor vehicle from using the motor vehicle for certain purposes;  
7 prohibiting a certain person from renting a personal motor vehicle to another person  
8 unless certain requirements are met; prohibiting a certain person from renting a  
9 personal motor vehicle to another person if the personal motor vehicle is subject to a  
10 manufacturer’s recall; prohibiting a certain person from renting a personal motor  
11 vehicle to another person who does not meet certain driver’s licensing standards;  
12 requiring a certain person that rents or facilitates the rental of a personal motor  
13 vehicle to keep certain records; authorizing the Motor Vehicle Administration or any  
14 police officer to inspect certain records; providing for the application of certain  
15 provisions of law governing for-rent vehicles and personal motor vehicle rentals;  
16 establishing that certain violations of this Act are unfair or deceptive trade practices  
17 subject to certain enforcement actions; requiring that motor vehicles used in a  
18 personal motor vehicle rental program be subject to certain annual safety  
19 inspections; defining certain terms; and generally relating to personal motor vehicle  
20 rentals.

21 BY repealing and reenacting, with amendments,  
22 Article – Commercial Law  
23 Section 13–301(14)(xiii)  
24 Annotated Code of Maryland  
25 (2013 Replacement Volume and 2017 Supplement)

26 BY adding to  
27 Article – Transportation  
28 Section 18–101.1; and 18–201 through 18–205 to be under the new subtitle “Subtitle  
29 2. Personal Motor Vehicle Rentals”

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2012 Replacement Volume and 2017 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article – Transportation  
5 Section 23–107  
6 Annotated Code of Maryland  
7 (2012 Replacement Volume and 2017 Supplement)

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

10 **Article – Commercial Law**

11 13–301.

12 Unfair or deceptive trade practices include any:

13 (14) Violation of a provision of:

14 (xiii) Section 18–107 OR § 18–206 of the Transportation Article;

15 **Article – Transportation**

16 **18–101.1.**

17 **THIS SUBTITLE DOES NOT APPLY TO PERSONAL MOTOR VEHICLE RENTALS**  
18 **GOVERNED UNDER SUBTITLE 2 OF THIS TITLE.**

19 **SUBTITLE 2. PERSONAL MOTOR VEHICLE RENTALS.**

20 **18–201.**

21 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
22 **INDICATED.**

23 **(B) “PERSONAL MOTOR VEHICLE RENTAL” MEANS THE PAID USE OF A**  
24 **PERSONAL PASSENGER MOTOR VEHICLE BY A PERSON OTHER THAN THE**  
25 **REGISTERED OWNER OF THE MOTOR VEHICLE THROUGH THE USE OF A PERSONAL**  
26 **MOTOR VEHICLE RENTAL PROGRAM.**

27 **(C) “PROGRAM” MEANS A PROGRAM OR PROCESS, WHETHER DIGITAL,**  
28 **ELECTRONIC, OR OTHERWISE, THROUGH WHICH A PERSONAL MOTOR VEHICLE**  
29 **RENTAL IS MADE OR FACILITATED.**

1 (D) "PROVIDER" MEANS A PERSON THAT OPERATES OR ADMINISTERS A  
2 PROGRAM.

3 (E) "RENTER" MEANS A PERSON WHO RENTS A PERSONAL MOTOR VEHICLE  
4 OWNED BY AND REGISTERED TO ANOTHER PERSON THROUGH THE USE OF A  
5 PROGRAM.

6 18-202.

7 (A) THIS SUBTITLE APPLIES TO A PERSONAL MOTOR VEHICLE RENTAL FOR  
8 A PERIOD NOT EXCEEDING 180 DAYS.

9 (B) (1) AN OWNER OR A PROVIDER MAY RENT TO ANOTHER PERSON ONLY  
10 A PERSONAL CLASS A (PASSENGER) VEHICLE, A CLASS E (TRUCK) VEHICLE, OR A  
11 CLASS M (MULTIPURPOSE) VEHICLE THROUGH THE USE OF A PROGRAM.

12 (2) A RENTER OF A PERSONAL CLASS A (PASSENGER) VEHICLE OR  
13 CLASS M (MULTIPURPOSE) VEHICLE MAY NOT USE THE RENTED PERSONAL MOTOR  
14 VEHICLE TO TRANSPORT INDIVIDUALS OR PROPERTY FOR HIRE.

15 18-203.

16 (A) AN OWNER OR A PROVIDER MAY NOT RENT A PERSONAL MOTOR  
17 VEHICLE TO ANOTHER PERSON UNDER THIS SUBTITLE UNLESS:

18 (1) THE MOTOR VEHICLE IS SECURED IN THE SAME FORM WITH THE  
19 SAME MINIMUM BENEFITS AS REQUIRED UNDER TITLE 17 OF THIS ARTICLE;

20 (2) THE MOTOR VEHICLE IS INSPECTED AND CERTIFIED ANNUALLY  
21 BY A MECHANIC REGISTERED UNDER § 23-103.1 OF THIS ARTICLE; AND

22 (3) WHEN USING AIRPORT PROPERTY TO FACILITATE A PERSONAL  
23 MOTOR VEHICLE RENTAL, THE OWNER OR PROVIDER DOES SO UNDER AN  
24 AGREEMENT WITH THE MARYLAND AVIATION COMMISSION.

25 (B) AN OWNER OR A PROVIDER THAT HAS MORE THAN 35 MOTOR VEHICLES  
26 IN ITS PROGRAM MAY NOT RENT A PERSONAL MOTOR VEHICLE THAT IS SUBJECT TO  
27 A MANUFACTURER'S RECALL.

28 18-204.

29 (A) AN OWNER OR A PROVIDER MAY NOT RENT A PERSONAL MOTOR  
30 VEHICLE UNDER THIS SUBTITLE TO ANOTHER PERSON UNLESS:

1           **(1) EACH INDIVIDUAL WHO WILL OPERATE THE RENTED MOTOR**  
2 **VEHICLE:**

3                   **(I) HOLDS AND PROVIDES TO THE OWNER OR PROVIDER A**  
4 **DRIVER'S LICENSE ISSUED UNDER TITLE 16 OF THIS ARTICLE, AUTHORIZING THE**  
5 **INDIVIDUAL TO DRIVE A VEHICLE OF THE CLASS RENTED; OR**

6                   **(II) IS A NONRESIDENT WHO:**

7                           **1. HOLDS AND PROVIDES TO THE OWNER OR PROVIDER**  
8 **A DRIVER'S LICENSE ISSUED TO THE INDIVIDUAL BY THE STATE OR COUNTRY OF THE**  
9 **INDIVIDUAL'S RESIDENCE, AUTHORIZING THE INDIVIDUAL IN THAT STATE OR**  
10 **COUNTRY TO DRIVE VEHICLES OF THE CLASS RENTED; AND**

11                           **2. IS AT LEAST 16 YEARS, 6 MONTHS OLD; OR**

12                   **(2) FOR AN INDIVIDUAL WHO HAS PREVIOUSLY RENTED A PERSONAL**  
13 **MOTOR VEHICLE FROM THE OWNER OR PROVIDER, THE INDIVIDUAL'S DRIVER'S**  
14 **LICENSE NUMBER IS CONFIRMED AS VALID IN THE RECORDS MAINTAINED UNDER**  
15 **SUBSECTION (B) OF THIS SECTION.**

16           **(B) A PROVIDER THAT RENTS OR FACILITATES A PERSONAL MOTOR**  
17 **VEHICLE RENTAL TO ANOTHER PERSON SHALL KEEP A RECORD OF:**

18                   **(1) THE REGISTRATION NUMBER OF THE RENTED PERSONAL MOTOR**  
19 **VEHICLE;**

20                   **(2) THE NAME AND ADDRESS OF THE RENTER;**

21                   **(3) THE DRIVER'S LICENSE NUMBER OF ANY INDIVIDUAL WHO WILL**  
22 **OPERATE THE RENTED PERSONAL MOTOR VEHICLE; AND**

23                   **(4) THE DATE AND PLACE OF ISSUANCE AND EXPIRATION DATE OF**  
24 **THE DRIVER'S LICENSE OF ANY INDIVIDUAL WHO WILL DRIVE THE RENTED**  
25 **PERSONAL MOTOR VEHICLE.**

26           **(C) THE ADMINISTRATION OR ANY POLICE OFFICER MAY INSPECT THE**  
27 **RECORDS KEPT UNDER SUBSECTION (B) OF THIS SECTION.**

28 **18-205.**

29           **IN ADDITION TO ANY REMEDIES OTHERWISE AVAILABLE AT LAW, A VIOLATION**

1 **OF THIS SECTION SHALL BE AN UNFAIR OR DECEPTIVE TRADE PRACTICE UNDER**  
2 **TITLE 13, SUBTITLE 3 OF THE COMMERCIAL LAW ARTICLE.**

3 23-107.

4 (a) (1) Before the Administration titles and registers any used vehicle, except  
5 a Class L (historic) vehicle, it shall require the applicant to present a valid inspection  
6 certificate for the vehicle.

7 (2) For the purposes of this subsection, an inspection certificate shall  
8 remain valid from the date the inspection certificate is issued for a period of:

9 (i) 90 days; or

10 (ii) In the case of an inspection certificate issued for a used vehicle  
11 owned and held in inventory by a dealer licensed under Title 15 of this article, the earlier  
12 of:

13 1. 6 months; or

14 2. When 1,000 miles have been added to the vehicle's  
15 odometer since the inspection certificate was issued.

16 (3) This subsection does not apply to any vehicle transferred within 30 days  
17 after the date of an inspection certificate issued for the vehicle and filed by the  
18 Administration in its title records.

19 (b) (1) If a person applies for titling and registration of a vehicle, the  
20 Administration may:

21 (i) Withhold delivery of a certificate of title pending receipt of an  
22 inspection certificate; and

23 (ii) Issue a temporary registration.

24 (2) A vehicle for which a temporary registration has been issued under this  
25 subsection shall be inspected within 60 days of the issuance of the temporary registration.

26 (c) (1) When an existing school vehicle (Class H) is changed to any other  
27 registration class, the vehicle shall be inspected at a licensed State inspection station.

28 (2) The inspection certificate shall be submitted at the time the vehicle is  
29 being registered in the new class.

30 (d) All buses other than those that are required to be inspected annually by the  
31 Public Service Commission or by the Administration shall be inspected annually at a  
32 licensed State inspection station.

1           **(E) ALL MOTOR VEHICLES USED IN A PERSONAL MOTOR VEHICLE RENTAL**  
2 **PROGRAM UNDER TITLE 18, SUBTITLE 2 OF THIS ARTICLE SHALL BE INSPECTED**  
3 **ANNUALLY AT A LICENSED STATE INSPECTION STATION.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2018.