

SB 177 - MoCo_Boucher_FAV (GA 23).pdf

Uploaded by: Kathleen Boucher

Position: FAV



Montgomery County

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SB 177

DATE: February 8, 2023

SPONSOR: Senator Kagan

ASSIGNED TO: Finance

CONTACT PERSON: Kathleen Boucher (Kathleen.boucher@montgomerycountymd.gov)

POSITION: Support (Office of Consumer Protection)

Rental Vehicles – Spare Tires and Tire Repair Tools

This bill adds a provision in the Transportation Article requiring rental car companies to provide spare tire and tire repair tools with rental vehicles if those items were included with the initial sale of the rental vehicle or, if a spare tire or tire repair tools are not provided, to disclose that in the rental agreement and require the renter to initial that disclosure.

Unfortunately, not all cars are sold with spare tires. When consumers rent vehicles, they may be renting a make or model with which they are unfamiliar. This legislation aims to ensure renters know whether the car they are renting has a spare tire or not. The Office of Consumer Protection believes that it is always a good idea for consumers to have full disclosure about the vehicles that they are renting, thus we support this legislation.

SB177_ Rental Car Spare Tire Testimony.pdf

Uploaded by: Sen. Cheryl Kagan

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CHERYL C. KAGAN
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB177: Rental Vehicle Agreements - Disclosures - Spare Tires

Senate Finance Committee

February 8, 2023 1pm

While traveling in 2020, my Avis rental car got a flat tire in rural Illinois. I thought I had two options-- waiting for 4-5 hours for roadside assistance... or changing it myself. After unloading the trunk, I was shocked to discover that the vehicle did not come with a spare. A regular occurrence like mine could easily become dangerous. Imagine a driver who gets a flat at 2am with no cell service, cold weather, and isolated from help. This individual would be vulnerable to assault, abduction, or even murder. Rental car agencies must clearly disclose whether or not a rental is equipped with a spare tire and tools.

Rental companies are *only* required to provide individuals with a "[vehicle in operating condition](#)." [Avis](#) & [Budget](#) rental agreements both state that they will "replace a flat or damaged tire with **the** spare or get the car towed to the nearest service facility." The word "**the**" rather than "**a**" implies that the car is equipped with a spare tire. My Avis rental car did not come with "**the**" spare tire, and I was never informed.

Millions of Americans use rental cars when going on vacation; traveling for work; or waiting on repairs to their vehicle. In a 2022 [survey](#) of US adults who had rented a car, **21 percent reported having had a flat tire.**

This year's [SB177](#) would require rental car agencies to provide a spare tire and tools, or disclose in the rental agreement that the car is not equipped with a spare tire or tools. This would allow consumers to make a safe, informed decision about their rental choice.

Mike DeLorenzo from Next Car Rental shared in his testimony [during the 2021 hearing](#) that "If you want us to disclose, that's not a problem." We are hopeful that all rental companies will find this to be a simple change to protect their customers.

I urge a favorable report on SB177.

CPD support for SB 177 - Rental Vehicle Spare Tire

Uploaded by: Steven Sakamoto-Wengel

Position: FAV

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February 8, 2023

To: The Honorable Melony Griffith
Chair, Finance Committee

From: Steven M. Sakamoto-Wengel
Consumer Protection Division

Re: Senate Bill 177 – Rental Vehicles – Spare Tires and Tire Repair Tools
(SUPPORT)

The Consumer Protection Division of the Office of the Attorney General supports Senate Bill 177, sponsored by Senator Kagan, which would require a rental car company to include a spare tire and the tools needed to change a tire or, in the alternative, disclose in the rental agreement whether the vehicle being rented includes a spare tire. If the rental car company decides not to include the spare tire and repair tools, the bill would require the consumer renting the vehicle to separately initial the disclosure. The Division believes that whether a rental vehicle includes a spare tire is material information that would be important to a consumer renting a vehicle and, consequently, supports SB 177's requirement that a spare tire be provided or that the consumer be made aware that the vehicle doesn't include a spare tire.

Senate Bill 177 limits the requirement that a rental car agency include a spare tire to those vehicles that would have originally been so equipped, so the bill should not impose an undue burden on the rental car company. However, where a rental vehicle is not so equipped, disclosure of such material information is an important principle of consumer protection, ensuring that consumers have the information they need to make an informed decision about a purchase. *See, e.g.*, Commercial Law §13-301(3) (requiring disclosure of material information if the failure to disclose that information deceives or tends to deceive consumers). A consumer renting a vehicle needs to know that, if they have a flat tire or other tire problem while driving the rental vehicle, whether they have a spare tire to fix the problem, will need to wait for the rental car company to send assistance, or find a repair facility willing to replace or repair the tire. Disclosing this information places a minimal burden on the rental car company while failure to make the disclosure could place a significant burden on the consumer renting the vehicle.

Accordingly, the Consumer Protection Division respectfully requests that the Senate Finance Committee return a favorable report on Senate Bill 177.

cc: The Honorable Cheryl Kagan
Members, Finance Committee