

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5509

61st Legislature
2009 Regular Session

Passed by the Senate April 19, 2009
YEAS 46 NAYS 1

President of the Senate

Passed by the House April 13, 2009
YEAS 95 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5509** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5509

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senate Transportation (originally sponsored by Senators Marr, Kauffman, and Shin)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to clarifying rental car company charges,
2 surcharges, and fees to be included in rental car agreements; adding a
3 new section to chapter 47.04 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that there are car
6 rental agreements entered into between car rental companies and their
7 customers that include fees in addition to the rental rate and taxes.
8 It is the intent of the legislature that such fees be clearly and
9 separately stated in such agreements.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.04 RCW
11 to read as follows:

12 (1) A rental car company may include separately stated surcharges,
13 fees, or charges in a rental agreement, which may include, but may not
14 be in any way limited to, vehicle license cost recovery fees, child
15 restraint system rental fees, airport-related recovery fees, all
16 applicable taxes, and government surcharges.

17 (2) If a rental car company includes a vehicle license cost
18 recovery fee as a separately stated charge in a rental transaction, the

1 amount of the fee must represent the rental car company's good faith
2 estimate of the rental car company's average daily charge as calculated
3 by the rental car company to recover its actual total annual rental car
4 titling, registration, plating, and inspection costs in the state of
5 Washington.

6 (3) If the total amount of the vehicle license cost recovery fees
7 collected by a rental car company under this section in any calendar
8 year exceeds the rental car company's actual costs in the state of
9 Washington to license, title, register, and plate rental cars and to
10 have such rental cars inspected for that calendar year, the rental car
11 company shall do both of the following:

- 12 (a) Retain the excess amount; and
- 13 (b) Adjust the estimated average per vehicle titling, licensing,
14 plating, inspecting, and registration charge for the following calendar
15 year by a corresponding amount.

16 (4) Nothing in this section prevents a rental car company from
17 making adjustments to the vehicle license cost recovery fee during the
18 calendar year.

19 (5) The following definitions apply to this section unless the
20 context clearly requires otherwise:

21 (a) "Vehicle license cost recovery fee" means a charge that may be
22 separately stated and charged on the rental contract in a car rental
23 transaction originating in Washington state to recover costs incurred
24 in the state of Washington by a rental car company to license, title,
25 register, plate, and inspect rental cars; and

26 (b) "Child restraint system rental fee" means a charge that may be
27 separately stated and charged on the rental contract in a car rental
28 transaction originating in Washington state to recover the costs
29 associated with providing child restraint systems.

30 (6)(a) If a rental car company includes a child restraint system
31 rental fee as a separately stated charge in a rental transaction, the
32 amount of the fee must represent no more than the rental car company's
33 good faith estimate of the rental car company's costs to provide a
34 child restraint system.

35 (b) If a rental car customer pays a child restraint system rental
36 fee and the child restraint system is not available in a timely manner,
37 as determined by the rental car customer, but in no case less than one
38 hour after the arrival of the customer at the location where the

1 customer receives the vehicle or vehicles, (i) the customer may cancel
2 any reservation or other agreement for the rental of the vehicle or
3 vehicles, (ii) any costs or penalties associated with the cancellation
4 are void, and (iii) the customer is entitled to a full refund of any
5 costs associated with the rental of the vehicle or vehicles.

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