

ENROLLED ACT NO. 48, SENATE

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING  
2009 GENERAL SESSION

AN ACT relating to rental vehicle agencies; amending definitions, registration requirements and surcharge provisions; consolidating rental vehicle statutes; providing new regulation and enforcement provisions; creating bonding requirements; declaring unlawful acts; granting rulemaking authority; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 31-19-101 through 31-19-104, 31-19-106 and 31-19-107 are created to read:

CHAPTER 19  
RENTAL VEHICLE AGENCIES

ARTICLE 1  
RENTAL AGENCY CERTIFICATE; REGISTRATION; SURCHARGE FEES;  
ENFORCEMENT

**31-19-101. Definitions.**

(a) Except as otherwise provided, as used in this chapter:

(i) "Rental vehicle" means as defined in W.S. 31-1-101(a)(xx) and includes u-drive-it rental vehicles;

(ii) "Rental vehicle agency" means any person who rents or offers for rental any vehicle, including a u-drive-it vehicle, without a driver for a period of thirty-one (31) days or less;

(iii) "Rental vehicle fleet" means one (1) or more rental vehicles rented or offered for rental in

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Wyoming without a driver for a period of thirty-one (31) days or less and includes both rental vehicles and u-drive-it vehicles;

(iv) "U-drive-it vehicle" means as defined in W.S. 31-1-101(a)(xxviii).

**31-19-102. Required application; rental agency certificate.**

Before commencing business and annually thereafter, any person who engages in the business of renting rental vehicles in Wyoming shall apply to the department for a certificate or a renewal of a certificate to operate as a rental vehicle agency. A certificate or renewal certificate is valid for one (1) year. Applications shall be accompanied by a fee of one hundred dollars (\$100.00) and contain information with respect to the applicant's name and established place of business address. The applicant shall list the physical address of each location in Wyoming where vehicles will be rented or offered for rental without a driver. A rental vehicle agency certificate including certificate number will be printed for each location with the physical address of that location indicated and shall be conspicuously displayed within the place of business for that location. Failure of the certificate holder to comply with any applicable rules and regulations or any provisions of this chapter shall result in cancellation of the certificate and subject the certificate holder to other penalties as provided by law.

**31-19-103. Established place of business.**

(a) The department shall not issue a rental agency certificate to any applicant without an established place of business. If a rental vehicle agency changes the

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location of its established place of business, the rental vehicle agency shall immediately notify the department. A new rental vehicle agency certificate shall be granted if the new location meets all the requirements of an established place of business. If a rental vehicle agency ceases to have an established place of business, the rental vehicle agency shall immediately surrender its rental vehicle agency certificate to the department until the rental vehicle agency obtains an established place of business. The rental vehicle agency certificate shall be reissued without charge if a place of business is established. Nothing in this act shall be construed to prevent a rental vehicle agency from conducting its business at one (1) or more licensed supplemental lots or locations not contiguous but operated and maintained in conjunction with the rental vehicle agency's place of business.

(b) The established place of business shall be a permanent commercial building:

(i) Which is located within the state of Wyoming at which place the business of a rental vehicle agency, its facilities, and a sign may be carried on or displayed in accordance with the terms of all applicable building codes, zoning, and other land-use regulatory ordinances prescribed by the municipality or county in which it is located;

(ii) Which is not primarily used or attached directly to a residence and which is sufficiently identified with an exterior sign permanently affixed to the building or land with letters clearly visible from the highway facing the site to indicate the nature of the business;

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(iii) Which maintains a permanent, published telephone number;

(iv) At which building the public may contact the rental vehicle agency or employees thereof at all reasonable times; and

(v) At which shall be kept and maintained, physically or electronically, the books, records and files as required by W.S. 31-19-106(c) as necessary to conduct the business.

**31-19-104. Registration of rental vehicles.**

(a) All rental vehicles shall be registered pursuant to chapter 2, article 2 of this title, subject to the exemption provisions set forth in W.S. 31-2-201(d)(xi) and (xii).

(b) U-drive-it vehicles may be registered under the international registration plan pursuant to W.S. 31-18-201 through 31-18-209.

(c) A rental vehicle transaction occurs in the jurisdiction in which the rental vehicle first comes into the possession of the user. Thereafter, all rental vehicles rented by the owner and displaying valid registration in any jurisdiction may operate in Wyoming on an interstate and intrastate basis.

**31-19-106. Unlawful acts.**

(a) No rental vehicle agency, employee thereof, or other person required to be licensed under this chapter shall:

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(i) Rent or offer to rent rental vehicles unless the person holds a valid rental vehicle agency certificate;

(ii) Engage in the business for which a rental vehicle agency certificate is issued without maintaining an established place of business as required by this chapter;

(iii) Violate this chapter or any of the rules and regulations promulgated under it;

(iv) Knowingly purchase, sell, acquire, rent, offer to rent or dispose of a stolen vehicle;

(v) Knowingly rent or offer to rent a vehicle which has an altered or removed vehicle identification number or alter or remove a vehicle identification number;

(vi) Violate any law of this state respecting commerce in vehicles or any related state agency rule or regulation;

(vii) Violate any provision of the federal motor vehicle safety standards;

(viii) Knowingly publish or circulate any misleading or inaccurate advertisement which misrepresents any of the products or services offered by a rental vehicle agency or use any false or misleading advertisement in the conduct of its business;

(ix) Make a false report to the department with the intent to misrepresent the amount of registration fees paid on rental vehicles or the amount of surcharge fees collected.

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(b) Any statement, threats, promises, acts, contracts or offers of contracts which lessen or eliminate competition or tend to create a monopoly are unfair trade practices, unfair methods of competition and are prohibited.

(c) No rental vehicle agency or employee thereof shall attempt to nullify any of the provisions of this chapter, whether by written instrument, agreement, release or waiver. Any such attempt, agreement, written instrument, release or waiver is null and void.

**31-19-107. Enforcement.**

(a) Any person who knowingly or intentionally violates any provision of this chapter or who knowingly or intentionally procures, aids, or abets any person in violation or noncompliance, is guilty of a misdemeanor and upon conviction is subject to a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both. Each rental vehicle transaction occurring while in violation of the provisions of this chapter constitutes a separate offense. In addition, the department may revoke any rental agency certificate for violation of this chapter and deny issuance of any subsequent rental vehicle agency certificate for a period not to exceed ten (10) years.

(b) The highway patrol division, any other enforcement officers designated by the department, and any peace officer of any county or municipality, are charged with the duty of policing and enforcing the provisions of this chapter. All such persons shall have the authority to issue citations for violations of any of the provisions of this chapter.

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(c) The department may promulgate rules and regulations necessary to implement the provisions of this chapter and shall provide the forms necessary to meet the filing requirements of this chapter.

**Section 2.** W.S. 31-1-101(a)(xx) and (xxviii), 31-2-201(d)(xi) and by creating a new paragraph (xii) and 31-3-103(g)(intro) are amended to read:

**31-1-101. Definitions.**

(a) Except as otherwise provided, as used in this act:

(xx) "Rental vehicle" means a vehicle which is rented or offered for rental without a driver for a period of thirty-one (31) days or less;

(xxviii) "U-Drive-It ~~motor~~ vehicle" means a ~~motor~~ vehicle which is rented or offered for rental without a driver ~~and is designed to carry ten (10) persons~~ for a period of thirty-one (31) days or less, including consumer rental trucks and trailers used to transport personal property and effects, but not including:

(A) Trucks and trailers used to transport commercial freight;

(B) Trailers rented from an agency that does not also offer motor vehicles for rental.

**31-2-201. Required applications; contents; weight certificate; exemptions; fees; certificate of title as precondition.**

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(d) The following vehicles are exempt from the provisions of this section:

(xi) Rental vehicles, rented in another state or country and validly registered in another state or country, displaying registration numbers or plates in accordance with the laws of that state or country, ~~provided the surcharge is paid pursuant to W.S. 31-3-104 if the vehicle is rented and not being operated for gain or profit in Wyoming nor used for daily transportation to or from employment in Wyoming~~, for a continuous period of more than fourteen (14) days;

(xii) Rental vehicles rented in Wyoming from a licensed rental vehicle agency, provided the surcharge is paid pursuant to W.S. 31-19-105 and the vehicle is validly registered in another jurisdiction and displays valid registration or license plates in accordance with the laws of that jurisdiction.

**31-3-103. Distribution of fees; refunds.**

(g) Fees collected by U-Drive-It ~~motor~~ vehicle or ~~car~~ rental ~~companies~~ vehicle agencies pursuant to W.S. ~~31-3-104~~ 31-19-106 in excess of registration fees paid on ~~trucks or passenger~~ rental vehicles in Wyoming shall be distributed as follows:

**Section 3.** W.S. 31-3-104 is amended and renumbered as 31-19-105 to read:

~~31-3-104~~ 31-19-105. **Surcharge fees; penalty and interest.**

(a) Rental companies engaged in the business of renting ~~passenger or U Drive It motor~~ rental vehicles for

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periods of ~~twenty nine (29)~~ thirty-one (31) days or less shall collect, at the time the vehicle is rented in Wyoming, a four percent (4%) surcharge on each rental vehicle contract. For purposes of this ~~section~~ chapter, a vehicle is rented in Wyoming if possession is obtained by the renter in Wyoming. The surcharge shall be computed on the total dollar amount stated in the rental contract, except that taxes imposed by chapters 15 and 16 of title 39 shall not be used in computing the surcharge. The surcharge paid under this section shall not be subject to the taxes imposed by chapters 15 and 16 of title 39.

(b) The surcharge shall be noted in the rental contract and collected in accordance with the terms of the contract. Except as provided in subsection (c) of this section, the surcharge shall be retained by the rental vehicle owner or the rental company engaged in the business of renting passenger or U-Drive-It motor vehicles agency as reimbursement for any registration fees paid under W.S. 31-3-101.

(c) ~~On February 15 of each year, all~~ Every rental ~~companies~~ vehicle agency which ~~collect~~ collects surcharges pursuant to this section shall file a report with the department on a semiannual basis stating the total amount of registration fees paid in Wyoming on its ~~passenger or U-Drive-It motor vehicles~~ rental vehicle fleet for the ~~preceding calendar year~~ report period, the total amount of ~~passenger or U-Drive-It motor vehicle~~ rental revenues earned on rentals in Wyoming for the ~~preceding calendar year~~ report period and the amount by which the total amount of ~~the~~ surcharges collected for the ~~preceding calendar year~~ report period exceeds the total amount of Wyoming registration fees ~~on passenger or U-Drive-It motor vehicles~~ paid on the rental vehicle fleet for the ~~preceding calendar year~~ reporting period. ~~All surcharge revenues collected in~~

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~~excess of the total amount of Wyoming registration fees paid on passenger or U Drive It motor vehicles shall be remitted to the department for distribution in accordance with W.S. 31-3-103. For a period of three (3) years after filing the report required under this subsection: The surcharge report for the report period of January through June shall be filed no later than July 31, and the surcharge report for the report period of July through December shall be filed no later than January 31 of the following calendar year.~~

~~(i) The rental company shall retain copies of rental contracts;~~

~~(ii) The department may require rental companies to furnish copies of rental contracts for purposes of ensuring compliance with this section.~~

~~(d) Any rental company which makes a false report to the department with the intent to misrepresent the amount of registration fees paid on passenger or U Drive It motor vehicles or the amount of surcharges collected is guilty of a misdemeanor and upon conviction is subject to a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both. Each violation constitutes a separate offense.~~ Every rental vehicle agency shall include a detailed report of all Wyoming registrations purchased for their rental vehicle fleet which shall include the make, model, year, vehicle identification number, name to which registration was issued, registration number and Wyoming registration fees paid. With each surcharge report, u-drive-it rental vehicle agencies with apportioned registration in another state shall file a detailed report stating the international registration plan account number and dollar amount of registration fees paid to the state of Wyoming.

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(e) ~~The department may promulgate rules and regulations necessary to implement the provisions of this section and shall provide the forms necessary to meet the filing requirements of this section.~~ All surcharge revenues collected during the preceding calendar year in excess of the total amount of Wyoming registration fees paid on the rental vehicle fleet shall be remitted to the department with the July through December surcharge report, no later than January 31 of the following calendar year, for distribution in accordance with W.S. 31-3-103. For a period of three (3) years after filing the report required under this section:

(i) The rental vehicle agency shall retain copies of all rental contracts;

(ii) The department may require rental vehicle agencies to furnish copies of rental contracts for purposes of ensuring compliance with this section; and

(iii) The rental vehicle agency shall provide other information as required by the department for enforcement of this chapter.

(f) If any person fails or refuses to file a four percent (4%) surcharge remittal report or remit the required surcharge fees, a penalty of ten percent (10%) of the surcharge fees due or ten dollars (\$10.00) for each month delinquent up to a maximum penalty of one hundred percent (100%) of the surcharge fees due or one hundred dollars (\$100.00), whichever is greater, shall be added to the amount due for the delinquent reporting period. The department shall notify the delinquent rental vehicle agency of the total amount due by providing written notice to the agency's established place of business, as shown on

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the records of the department, either by hand delivery or by United States mail. The rental vehicle agency shall have thirty (30) days from receipt of the notice to submit any delinquent four percent (4%) surcharge remittal report and remit any surcharge fees, interest and penalties due. If the delinquent rental vehicle agency proves to the department that the delinquency was due to a reasonable cause, the department shall waive the penalty provided in this subsection.

(g) All delinquent surcharge fees shall be subject to a one percent (1%) per month interest charge which shall be disclosed to the rental vehicle agency in the written notice required by subsection (f) of this section.

(h) The department may require bonds under this chapter as follows:

(i) A bond equal to the greater of the sum of twenty-five thousand dollars (\$25,000.00) or one hundred fifty percent (150%) of the dollar amount in which the agency is delinquent in submitting surcharges, whichever is greater, when a rental vehicle agency:

(A) Operates without a valid rental vehicle agency certificate;

(B) Is delinquent in filing any four percent (4%) surcharge remittal report;

(C) Is delinquent in remitting any surcharge fees;

(D) Applies for reissuance of a rental agency certificate after the rental agency certificate has been revoked; or

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(E) Applies for a new or renewal rental agency certificate after violating any provision of this chapter.

(ii) The bond shall be executed with a corporate surety duly licensed to do business in this state. In lieu of a corporate surety bond, the department may accept a cash bond made payable to the department. Any interest earned on a cash bond shall accrue to the rental vehicle agency. The bond shall comply with all of the following requirements:

(A) Be approved as to form by the Wyoming attorney general;

(B) Be made payable to the department;

(C) Guarantee payment of delinquent surcharge fees due under this article and the return of the rental vehicle agency certificates issued under this article.

(iii) The department shall require a bond from any rental vehicle agency whose certificate has been revoked or who violates any provision of this chapter, as a condition of future licensing. The department may waive any bond requirement imposed when a rental vehicle agency complies with all requirements of this chapter for three (3) consecutive years;

(iv) Failure to post a bond required by the department under this section shall result in the denial of a rental vehicle agency certificate.

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(j) Any person failing to remit the four percent (4%) surcharge fee required by this section is liable for double the amount due, plus interest, penalties and attorney's fees. Upon application made by the state and without requiring a bond, an injunction may be issued against the defendants enjoining and restraining them from renting or offering for rent any rental vehicles in the state until all amounts due are paid. Upon application made by the state, a receiver of the property and business of the defendant may be appointed to impound the same as security for all amounts due.

**Section 4.** W.S. 31-18-201(f) is repealed.

**Section 5.** This act is effective January 1, 2010.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk