

SENATE FILE NO. SF0057

Rental vehicles.

Sponsored by: Joint Transportation, Highways and Military
Affairs Interim Committee

A BILL

for

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

8

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

10

11 **Section 1.** W.S. 31-19-101 through 31-19-104,
12 31-19-106 and 31-19-107 are created to read:

13

14 CHAPTER 19

15 RENTAL VEHICLE AGENCIES

16

1 ARTICLE 1

2 RENTAL AGENCY CERTIFICATE; REGISTRATION; SURCHARGE FEES;

3 ENFORCEMENT

4

5 **31-19-101. Definitions.**

6

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

9

10 (i) "Rental vehicle" means as defined in W.S.
11 31-1-101(a)(xx) and includes u-drive-it rental vehicles;

12

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

17

18 (iii) "Rental vehicle fleet" means one (1) or
19 more rental vehicles rented or offered for rental in
20 Wyoming without a driver for a period of thirty-one (31)
21 days or less and includes both rental vehicles and u-drive-
22 it vehicles;

23

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

3

4 **31-19-102. Required application; rental agency**
5 **certificate.**

6

7 Before commencing business and annually thereafter, any
8 person who engages in the business of renting rental
9 vehicles in Wyoming shall apply to the department for a
10 certificate or a renewal of a certificate to operate as a
11 rental vehicle agency. A certificate or renewal certificate
12 is valid for one (1) year. Applications shall be
13 accompanied by a fee of one hundred dollars (\$100.00) and
14 contain information with respect to the applicant's name
15 and established place of business address. The applicant
16 shall list the physical address of each location in Wyoming
17 where vehicles will be rented or offered for rental without
18 a driver. A rental vehicle agency certificate including
19 certificate number will be printed for each location with
20 the physical address of that location indicated and shall
21 be displayed within the place of business for that
22 location. Failure of the certificate holder to comply with
23 any applicable rules and regulations or any provisions of
24 this chapter shall result in cancellation of the

1 certificate and subject the certificate holder to other
2 penalties as provided by law.

3

4 **31-19-103. Established place of business.**

5

6 (a) The department shall not issue a rental agency
7 certificate to any applicant without an established place
8 of business. If a rental vehicle agency changes the
9 location of its established place of business, the rental
10 vehicle agency shall immediately notify the department. A
11 new rental vehicle agency certificate shall be granted if
12 the new location meets all the requirements of an
13 established place of business. If a rental vehicle agency
14 ceases to have an established place of business, the rental
15 vehicle agency shall immediately surrender its rental
16 vehicle agency certificate to the department until the
17 rental vehicle agency obtains an established place of
18 business. The rental vehicle agency certificate shall be
19 reissued without charge if a place of business is
20 established. Nothing in this act shall be construed to
21 prevent a rental vehicle agency from conducting its
22 business at one (1) or more licensed supplemental lots or
23 locations not contiguous but operated and maintained in

1 conjunction with the rental vehicle agency's place of
2 business.

3

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

6

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

13

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

20

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

23

1 (iv) At which building the public may contact
2 the rental vehicle agency or employees thereof at all
3 reasonable times; and
4

5 (v) At which shall be kept and maintained,
6 physically or electronically, the books, records and files
7 as required by W.S. 31-19-106(c) as necessary to conduct
8 the business.
9

10 **31-19-104. Registration of rental vehicles.**
11

12 (a) All rental vehicles shall be registered pursuant
13 to chapter 2, article 2 of this title, subject to the
14 exemption provisions set forth in W.S. 31-2-201(d)(xi) and
15 (xii).
16

17 (b) U-drive-it vehicles may be registered under the
18 international registration plan pursuant to W.S. 31-18-201
19 through 31-18-209.
20

21 (c) A rental vehicle transaction occurs in the
22 jurisdiction in which the rental vehicle first comes into
23 the possession of the user. Thereafter, all rental
24 vehicles rented by the owner and displaying valid

1 registration in any jurisdiction may operate in Wyoming on
2 an interstate and intrastate basis.

3

4 **31-19-106. Unlawful acts.**

5

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

9

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

12

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

16

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

19

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

22

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

4
5 (vi) Violate any law of this state respecting
6 commerce in vehicles or any related state agency rule or
7 regulation;

8
9 (vii) Violate any provision of the federal motor
10 vehicle safety standards;

11
12 (viii) Knowingly publish or circulate any
13 misleading or inaccurate advertisement which misrepresents
14 any of the products or services offered by a rental vehicle
15 agency or use any false or misleading advertisement in the
16 conduct of its business;

17
18 (ix) Make a false report to the department with
19 the intent to misrepresent the amount of registration fees
20 paid on rental vehicles or the amount of surcharge fees
21 collected.

22
23 (b) Any statement, threats, promises, acts, contracts
24 or offers of contracts which lessen or eliminate

1 competition or tend to create a monopoly are unfair trade
2 practices, unfair methods of competition and are
3 prohibited.

4

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

10

11 **31-19-107. Enforcement.**

12

13 (a) Any rental vehicle agency which makes a false
14 report to the department with the intent to misrepresent
15 the amount of registration fees paid on a rental vehicle
16 fleet or the amount of surcharges collected is guilty of a
17 misdemeanor and upon conviction is subject to a fine of not
18 more than seven hundred fifty dollars (\$750.00),
19 imprisonment for not more than six (6) months, or both.
20 Each violation constitutes a separate offense. In
21 addition, the department may revoke any rental vehicle
22 agency certificate for intentionally making a false report
23 and may deny issuance of any subsequent rental vehicle
24 agency certificate for a period of ten (10) years.

1

2 (b) Any person violating any provision of this
3 chapter or who procures, aids, or abets any person in
4 violation or noncompliance, is guilty of a misdemeanor and
5 upon conviction is subject to a fine of not more than seven
6 hundred fifty dollars (\$750.00), imprisonment for not more
7 than six (6) months, or both. Each rental vehicle
8 transaction occurring while in violation of the provisions
9 of this chapter constitutes a separate offense. In
10 addition, the department may revoke any rental agency
11 certificate for violation of this chapter.

12

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

20

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

1

2 **Section 2.** W.S. 31-1-101(a)(xx) and (xxviii),
3 31-2-201(d)(xi) and by creating a new paragraph (xii) and
4 31-3-103(g)(intro) are amended to read:

5

6 **31-1-101. Definitions.**

7

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

10

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

14

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

22

1 **31-2-201. Required applications; contents; weight**
2 **certificate; exemptions; fees; certificate of title as**
3 **precondition.**

4
5 (d) The following vehicles are exempt from the
6 provisions of this section:

7
8 (xi) Rental vehicles, rented in another state or
9 country and validly registered in another state or country,
10 displaying registration numbers or plates in accordance
11 with the laws of that state or country, ~~provided the~~
12 ~~surcharge is paid pursuant to W.S. 31-3-104 if the vehicle~~
13 ~~is rented~~ and not being operated by the person who rented
14 the vehicle for gain or profit in Wyoming nor used for
15 daily transportation to or from employment in Wyoming; ~~;~~

16
17 (xii) Rental vehicles rented in Wyoming from a
18 licensed rental vehicle agency, provided the surcharge is
19 paid pursuant to W.S. 31-19-105 and the vehicle is validly
20 registered in another jurisdiction and displays valid
21 registration or license plates in accordance with the laws
22 of that jurisdiction.

23
24 **31-3-103. Distribution of fees; refunds.**

1

2 (g) Fees collected by U-Drive-It ~~motor~~ vehicle or ~~car~~
3 rental ~~companies~~ vehicle agencies pursuant to W.S. ~~31-3-104~~
4 31-19-106 in excess of registration fees paid on ~~trucks or~~
5 ~~passenger~~ rental vehicles in Wyoming shall be distributed
6 as follows:

7

8 **Section 3.** W.S. 31-3-104 is amended and renumbered as
9 31-19-105 to read:

10

11 ~~31-3-104~~ 31-19-105. **Surcharge fees; penalty and**
12 **interest.**

13

14 (a) Rental companies engaged in the business of
15 renting ~~passenger or U Drive It motor~~ rental vehicles for
16 periods of ~~twenty nine (29)~~ thirty-one (31) days or less
17 shall collect, at the time the vehicle is rented in
18 Wyoming, a four percent (4%) surcharge on each rental
19 vehicle contract. For purposes of this ~~section~~ chapter, a
20 vehicle is rented in Wyoming if possession is obtained by
21 the renter in Wyoming. The surcharge shall be computed on
22 the total dollar amount stated in the rental contract,
23 except that taxes imposed by chapters 15 and 16 of title 39
24 shall not be used in computing the surcharge. The

1 surcharge paid under this section shall not be subject to
2 the taxes imposed by chapters 15 and 16 of title 39.

3
4 (b) The surcharge shall be noted in the rental
5 contract and collected in accordance with the terms of the
6 contract. Except as provided in subsection (c) of this
7 section, the surcharge shall be retained by the rental
8 vehicle ~~owner or the rental company engaged in the business~~
9 ~~of renting passenger or U Drive It motor vehicles~~ agency as
10 reimbursement for any registration fees paid under W.S.
11 31-3-101.

12
13 (c) ~~On February 15 of each year, all~~ Every rental
14 ~~companies~~ vehicle agency which ~~collect~~ collects surcharges
15 pursuant to this section shall file a report with the
16 department on a semiannual basis stating the total amount
17 of registration fees paid in Wyoming on its ~~passenger or U~~
18 ~~Drive It motor vehicles~~ rental vehicle fleet for the
19 ~~preceding calendar year~~ report period, the total amount of
20 ~~passenger or U Drive It motor vehicle~~ rental revenues
21 earned on rentals in Wyoming for the ~~preceding calendar~~
22 ~~year~~ report period and the amount by which the total amount
23 of ~~the~~ surcharges collected for the ~~preceding calendar year~~
24 report period exceeds the total amount of Wyoming

1 registration fees ~~on passenger or U Drive It motor vehicles~~
2 paid on the rental vehicle fleet for the ~~preceding calendar~~
3 ~~year reporting period~~. ~~All surcharge revenues collected in~~
4 ~~excess of the total amount of Wyoming registration fees~~
5 ~~paid on passenger or U Drive It motor vehicles shall be~~
6 ~~remitted to the department for distribution in accordance~~
7 ~~with W.S. 31-3-103. For a period of three (3) years after~~
8 ~~filing the report required under this subsection:~~ The
9 surcharge report for the report period of January through
10 June shall be filed no later than July 31, and the
11 surcharge report for the report period of July through
12 December shall be filed no later than January 31 of the
13 following calendar year.

14
15 ~~(i) The rental company shall retain copies of~~
16 ~~rental contracts;~~

17
18 ~~(ii) The department may require rental companies~~
19 ~~to furnish copies of rental contracts for purposes of~~
20 ~~ensuring compliance with this section.~~

21
22 ~~(d) Any rental company which makes a false report to~~
23 ~~the department with the intent to misrepresent the amount~~
24 ~~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.

(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

1 than January 31 of the following calendar year, for
2 distribution in accordance with W.S. 31-3-103. For a
3 period of three (3) years after filing the report required
4 under this section:

5
6 (i) The rental vehicle agency shall retain
7 copies of all rental contracts;

8
9 (ii) The department may require rental vehicle
10 agencies to furnish copies of rental contracts for purposes
11 of ensuring compliance with this section; and

12
13 (iii) The rental vehicle agency shall provide
14 other information as required by the department for
15 enforcement of this chapter.

16
17 (f) If any person fails or refuses to file a four
18 percent (4%) surcharge remittal report or remit the
19 required surcharge fees, a penalty of ten percent (10%) of
20 the surcharge fees due or ten dollars (\$10.00) for each
21 month delinquent, whichever is greater, shall be added to
22 the amount due for the delinquent reporting period. The
23 department shall notify the delinquent rental vehicle
24 agency of the total amount due by providing written notice

1 to the agency's established place of business, as shown on
2 the records of the department, either by hand delivery or
3 by United States mail. The rental vehicle agency shall
4 have thirty (30) days from receipt of the notice to submit
5 any delinquent four percent (4%) surcharge remittal report
6 and remit any surcharge fees, interest and penalties due.
7 If the delinquent rental vehicle agency proves to the
8 department that the delinquency was due to a reasonable
9 cause, the department shall waive the penalty provided in
10 this subsection.

11
12 (g) All delinquent surcharge fees shall be subject to
13 a one percent (1%) per month interest charge which shall be
14 disclosed to the rental vehicle agency in the written
15 notice required by subsection (f) of this section.

16
17 (h) The department may require bonds under this
18 chapter as follows:

19
20 (i) The department may require any rental
21 vehicle agency that operates without a valid rental vehicle
22 agency certificate or that is delinquent in filing any four
23 percent (4%) surcharge remittal report or that is
24 delinquent in remitting any surcharge fees any two (2)

1 times in a twelve (12) month period, to file with the
2 department a bond in the sum of twenty-five thousand
3 dollars (\$25,000.00) or the dollar amount in which the
4 agency is delinquent in submitting surcharges, whichever is
5 greater. The department shall waive any bond requirement
6 imposed when a rental vehicle agency complies with all
7 requirements of this chapter for three (3) consecutive
8 years;

9
10 (ii) The bond shall be executed with a corporate
11 surety duly licensed to do business in this state. In lieu
12 of a corporate surety bond, the department may accept a
13 cash bond made payable to the department. Any interest
14 earned on a cash bond shall accrue to the rental vehicle
15 agency. The bond shall:

16
17 (A) Be approved as to form by the Wyoming
18 attorney general;

19
20 (B) Be made payable to the department;

21
22 (C) Guarantee payment of delinquent
23 surcharge fees due under this article and the return of the

1 rental vehicle agency certificates issued under this
2 article; and

3
4 (D) Be conditioned on the rental vehicle
5 agency not practicing any fraud, making any fraudulent
6 representation or violating any law relating to the
7 business for which the agency is authorized under this
8 article.

9
10 (iii) Notwithstanding the waiver of a bond
11 authorized under this section, the department may require a
12 bond from any rental vehicle agency whose certificate has
13 been revoked or who violates any provision of this chapter,
14 as a condition of future licensing. The department may
15 waive any bond requirement imposed when a rental vehicle
16 agency complies with all requirements of this section for
17 three (3) consecutive years;

18
19 (iv) Failure to post a bond required by the
20 department under this section shall result in the denial of
21 a rental vehicle agency certificate.

22
23 (j) Any person failing to remit the four percent (4%)
24 surcharge fee required by this section is liable for double

the amount due, plus interest and penalties, in a suit
instituted by and in the name of the state of Wyoming.
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 and any
judgment awarded in the suit.

11

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

13

14 **Section 5.** This act is effective July 1, 2009.

15

16 (END)