

## HOUSE BILL NO. HB0268

Wyoming Consumer Rental-Purchase Agreement Act-amendments.

Sponsored by: Representative(s) Burkhardt, Larsen, L,  
Niemiec and Northrup and Senator(s) Case

A BILL

for

1 AN ACT relating to trade and commerce; amending the Wyoming  
2 Consumer Rental-Purchase Agreement Act as specified;  
3 amending licensing requirements; providing for digital  
4 agreements; providing a definition; providing limitations;  
5 allowing for the inspection of records; and providing for  
6 an effective date.

7

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

9

10 **Section 1.** W.S. 40-19-102(a) by creating a new  
11 paragraph (xii) and by renumbering (xii) as (xiii),  
12 40-19-107(a)(intro), (xi) and (xiii), 40-19-111(a)(intro)  
13 and (ii), 40-19-113 by creating new subsections (f) and  
14 (g), 40-19-114(f) and (g) and 40-19-118 by creating new  
15 subsections (g) and (h) are amended to read:

1

2           **40-19-102. Definitions.**

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4           (a) As used in this act:

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6                   (xii) "Rental-purchase property" means personal  
7 property displayed or offered primarily for rental-purchase  
8 pursuant to a rental-purchase agreement;

9

10                   ~~(xii)~~(xiii) "This act" means W.S. 40-19-101  
11 through 40-19-120.

12

13           **40-19-107. Disclosures.**

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15           (a) For each rental-purchase agreement, the merchant  
16 shall disclose in the agreement, which may be provided in a  
17 digital format, the following items as applicable:

18

19                   (xi) A statement that the consumer may terminate  
20 the agreement without penalty by voluntarily surrendering  
21 or returning the property in good repair, reasonable wear  
22 and tear excepted, in accordance with the terms of the

1 rental-purchase agreement, along with any past due rental  
2 payments upon expiration of any rental period;

3

4 (xiii) The following notice printed or typed in  
5 a size equal to or greater than ten (10) point bold type  
6 or, when disclosed in a digital format, outlined with a  
7 noticeable box in a type size equal to or larger than any  
8 surrounding language:

9

10 NOTICE TO CONSUMER

11

12 Do not sign this agreement before you read it or if it  
13 contains blank spaces. You are entitled to a copy of the  
14 agreement you sign.

15

16 **40-19-111. Liability damage waivers; fees.**

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18 (a) A consumer and merchant may contract for a  
19 liability damage waiver in writing or in a digital format.  
20 The selling or offering for sale of a liability damage  
21 waiver pursuant to this act shall be subject to the  
22 following prohibitions and requirements:

23

1           (ii) The liability damage waiver contract shall  
2 include a statement of the fee for the liability damage  
3 waiver and shall display the following notice printed or  
4 typed in a size equal to or greater than ten (10) point  
5 bold type or, when disclosed in a digital format, outlined  
6 with a noticeable box in a type size equal to or larger  
7 than any surrounding language:

8  
9           NOTICE: THE PURCHASE OF THIS LIABILITY DAMAGE  
10 WAIVER IS NOT MANDATORY AND MAY BE DECLINED. THIS  
11 CONTRACT OFFERS, FOR AN ADDITIONAL CHARGE, A LIABILITY  
12 DAMAGE WAIVER TO COVER YOUR RESPONSIBILITY FOR DAMAGE  
13 TO THE PROPERTY. BEFORE DECIDING WHETHER TO PURCHASE  
14 THE LIABILITY DAMAGE WAIVER, YOU MAY WISH TO DETERMINE  
15 WHETHER YOUR HOMEOWNER'S OR CASUALTY INSURANCE, IF  
16 ANY, AFFORDS YOU COVERAGE FOR DAMAGE TO THE RENTAL  
17 PROPERTY AND THE AMOUNT OF THE DEDUCTIBLE UNDER YOUR  
18 OWN INSURANCE COVERAGE.

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20       **40-19-113. Advertising.**

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22       (f) For rental-purchase property displayed or offered  
23 online that a consumer can rental purchase by means of an

1 online rental-purchase agreement or via electronic commerce  
2 or other digital transaction means, a merchant may disclose  
3 the information and provide the notices required by this  
4 act, including the information under subsection (d) of this  
5 section, in a digital format. The disclosure under  
6 subsection (d) of this section must be made before  
7 disclosing the information required under W.S. 40-19-107  
8 and, if disclosed in a digital format, shall be outlined  
9 with a noticeable box in a type size equal to or larger  
10 than any surrounding language.

11  
12 (g) When personal property that is not  
13 rental-purchase property is offered for rental purchase by  
14 a merchant and becomes rental-purchase property, the  
15 merchant may disclose the information and provide the  
16 notices required by this act, including the information  
17 under subsection (d) of this section, to a consumer in a  
18 digital format. The disclosure under subsection (d) of this  
19 section must be made before disclosing the information  
20 required under W.S. 40-19-107 and, if disclosed by digital  
21 means, shall be outlined with a noticeable box in a type  
22 size equal to or larger than any surrounding language.

23

1           **40-19-114. License required; application for license;**  
2 **fee; qualifications.**

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4           (f) ~~Each office or place of business shall be~~  
5 ~~licensed separately.~~ A merchant shall be required to obtain  
6 a single statewide license with respect to all transactions  
7 it offers to consumers online or through the location of  
8 third-party retailers. Merchants that offer rental-purchase  
9 property from the merchants' physical locations shall be  
10 required to obtain a separate license for each physical  
11 office or place of business that is open to consumers.

12  
13           (g) Each license shall state the address of the  
14 office from which the business is to be conducted and the  
15 name of the licensee. The license shall be prominently  
16 displayed at the place of business named in the license if  
17 the merchant operates a physical location that is open to  
18 consumers. The license shall not be transferable or  
19 assignable.

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21           **40-19-118. Powers and functions of the administrator;**  
22 **enforcement; penalties.**

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1       (g) In addition to the enforcement powers provided in  
2 this act, the administrator may, regardless of any  
3 complaint by a consumer, periodically examine the books,  
4 accounts, papers, correspondence and any records of any  
5 merchant licensed under this act. After notice and hearing,  
6 the administrator may decline to renew a license, or  
7 suspend or revoke any license issued pursuant to this act  
8 for violating any provision of this act, or any rules  
9 promulgated by the administrator. In lieu of or in addition  
10 to any denial, suspension or revocation, the administrator  
11 may order the refund of any unlawful or excessive fees,  
12 enter a cease and desist order or impose an administrative  
13 fine in an amount not less than one hundred dollars  
14 (\$100.00) nor more than two thousand five hundred dollars  
15 (\$2,500.00) for each violation of this act, not to exceed  
16 five thousand dollars (\$5,000.00) for all violations by a  
17 merchant.

18

19       (h) Where there are multiple consumers to a  
20 rental-purchase agreement, there shall be no more than one  
21 (1) recovery under this section for a violation.

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1           **Section 2.** This act is effective July 1, 2023.

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(END)