

CHAPTER 88

(HB 393)

AN ACT relating to motor vehicle renting companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Motor vehicle renting company" means a holder of a permit as required under KRS 281.615 to operate as a U-Drive-It as defined in KRS 281.014, which regularly engages in renting or leasing motor vehicles to customers for less than a sixty (60) day term as part of an established business;*
- (b) *"Vehicle license costs" means the costs incurred by a motor vehicle renting company for licensing, titling, registration, property tax, plating, and inspecting rental motor vehicles; and*
- (c) *"Vehicle license cost recovery fee" means a charge on a vehicle rental transaction originating within the Commonwealth that is separately stated on the rental agreement to recover vehicle license costs.*

(2) (a) *If a motor vehicle renting company includes a vehicle license cost recovery fee as a separately stated charge in a rental transaction, the amount of the fee shall represent the company's good-faith estimate of the motor vehicle rental company's daily charge to recover its actual total annual vehicle license costs.*

(b) *If the total amount of the vehicle license cost recovery fees collected by a motor vehicle renting company under this section in any calendar year exceeds the company's actual vehicle license costs, the motor vehicle renting company shall:*

- 1. *Retain the excess amount; and*
- 2. *Adjust the vehicle cost recovery fee for the following calendar year by a corresponding amount.*

(3) *Nothing in this section shall prevent a motor vehicle renting company from including, or making adjustments during the calendar year to, separately stated surcharges, fees, or charges in the rental agreement, which may include but are not limited to vehicle license cost recovery fees, airport access fees, airport concession fees, consolidated facility charges, and all applicable taxes.*

Signed by Governor April 11, 2008.