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**SUBSTITUTE SENATE BILL 5509**

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**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, airport-  
15 related recovery fees, all applicable taxes, and government surcharges.

16           (2) If a rental car company includes a vehicle license cost  
17 recovery fee as a separately stated charge in a rental transaction, the  
18 amount of the fee must represent the rental car company's good faith

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

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

11 (a) Retain the excess amount; and

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

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

18 (5) The following definition applies to this section unless the  
19 context clearly requires otherwise: "Vehicle license cost recovery  
20 fee" means a charge that may be separately stated and charged on the  
21 rental contract in a car rental transaction originating in Washington  
22 state to recover costs incurred in the state of Washington by a rental  
23 car company to license, title, register, plate, and inspect rental  
24 cars.

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