

# HOUSE BILL 1142

I4

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By: **Delegate Fraser–Hidalgo**

Introduced and read first time: February 6, 2020

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Rental Motor Vehicles – Collision Damage Waivers**

3 FOR the purpose of altering the definition of “passenger car” to include a certain Class E  
4 (truck) vehicle for the purposes of the application of certain provisions of law  
5 governing collision damage waivers for rental vehicles; and generally relating to  
6 collision damage waivers for rental vehicles.

7 BY repealing and reenacting, with amendments,

8 Article – Commercial Law

9 Section 14–2101

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2019 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Transportation

14 Section 13–917

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2019 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Commercial Law**

20 14–2101.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) “Car sharing period” has the meaning stated in § 19–520 of the  
23 Insurance Article.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) “Collision damage waiver” means:

2 (i) With respect to a rental agreement, any contract, whether  
3 separate from or part of a rental agreement, in which the lessor agrees, for a charge, to  
4 waive all or part of any claims against the lessee for damages to the rental motor vehicle  
5 during the term of the rental agreement; and

6 (ii) With respect to a peer-to-peer car sharing program agreement,  
7 a provision in the peer-to-peer car sharing program agreement in which it is agreed, for a  
8 charge, that all or part of any claims against a shared vehicle driver for damages to a shared  
9 motor vehicle during a car sharing period are waived.

10 (4) “Lessee” means any person obtaining the use of a rental motor vehicle  
11 from a lessor under the terms of a rental agreement.

12 (5) “Lessor” means any person in the business of providing rental motor  
13 vehicles to the public.

14 (6) “Passenger car” means any motor vehicle that is [a]:

15 (I) A Class A (passenger) vehicle under § 13-912 of the  
16 Transportation Article[, or any motor vehicle that is a];

17 (II) A Class M (multipurpose) vehicle under § 13-937 of the  
18 Transportation Article if the vehicle is used primarily for transporting passengers; OR

19 (III) **A CLASS E (TRUCK) VEHICLE THAT IS USED PRIMARILY FOR**  
20 **PERSONAL, HOUSEHOLD, FAMILY, OR AGRICULTURAL PURPOSES AND THAT, UNDER**  
21 **§ 13-917 OF THE TRANSPORTATION ARTICLE, DOES NOT EXCEED A**  
22 **THREE-QUARTER TON CAPACITY OR 7,000 POUNDS GROSS VEHICLE WEIGHT.**

23 (7) “Peer-to-peer car sharing program agreement” has the meaning stated  
24 in § 19-520 of the Insurance Article.

25 (8) “Rental agreement” means a written agreement setting forth the terms  
26 and conditions governing the use of a rental motor vehicle by a lessee for a period of less  
27 than 180 days.

28 (9) “Rental motor vehicle” means a passenger car which, on execution of a  
29 rental agreement, is made available to a lessee for the lessee’s use.

30 (10) “Shared motor vehicle” has the meaning stated in § 19-520 of the  
31 Insurance Article.

32 (11) “Shared vehicle driver” has the meaning stated in § 19-520 of the  
33 Insurance Article.

1 (b) The Division shall develop a form for collision damage waivers for lessors and  
2 for peer-to-peer car sharing programs, and shall make it available to all lessors and  
3 peer-to-peer car sharing programs in the State.

4 (c) The form shall meet the requirements specified in subsection (e) of this  
5 section.

6 (d) (1) A lessor may not deliver or issue for delivery in this State a rental motor  
7 vehicle agreement containing a collision damage waiver, unless the lessor uses a separate  
8 collision damage waiver form provided by the Division that meets the requirements  
9 specified in subsection (e) of this section.

10 (2) A peer-to-peer car sharing program may not deliver or issue for  
11 delivery in the State a peer-to-peer car sharing program agreement containing a collision  
12 damage waiver, unless the peer-to-peer car sharing program uses a separate collision  
13 damage waiver form provided by the Division that meets the requirements specified in  
14 subsection (e) of this section.

15 (e) The collision damage waiver form shall contain the following requirements:

16 (1) The collision damage waiver shall be understandable and written in  
17 simple and readable plain language;

18 (2) The terms of the collision damage waiver, including, but not limited to,  
19 any conditions or exclusions applicable to the collision damage waiver, shall be prominently  
20 displayed;

21 (3) All restrictions, conditions, or provisions in, or endorsed on, the collision  
22 damage waiver are printed in type at least as large as Brevier or 10 point type;

23 (4) The collision damage waiver shall include a statement of the total  
24 charge for the anticipated rental period or car sharing period or the anticipated total daily  
25 charge;

26 (5) The agreement containing the collision damage waiver shall display the  
27 following notice on the face of the agreement, set apart and in boldface type, and in type at  
28 least as large as 10 point type:

29 "Notice:

30 This contract offers, for an additional charge, a collision damage waiver to cover your  
31 responsibility for damage to the vehicle. Before deciding whether to purchase the collision  
32 damage waiver, you may wish to determine whether your own automobile insurance affords  
33 you coverage for damage to the rental vehicle or shared motor vehicle and the amount of  
34 the deductible under your own insurance coverage. The purchase of this collision damage  
35 waiver is not mandatory and may be waived. Maryland law requires that all Maryland

1 residents' insurance policies with collision coverage automatically extend that collision  
2 coverage to passenger cars rented or motor vehicles shared by the insureds named in the  
3 policy for a period of 30 days or less.”; and

4 (6) Any additional information that the Division considers reasonable and  
5 necessary to carry out the provisions of this subtitle.

6 (f) A failure by a lessor to comply with subsection (d) of this section is an unfair  
7 or deceptive trade practice within the meaning of Title 13, Subtitle 3 of this article.

### 8 Article – Transportation

9 13–917.

10 Notwithstanding § 13–916(b) of this subtitle, for any Class E (truck) vehicle, the  
11 annual registration fee is \$63.75 if:

12 (1) The manufacturer’s rated capacity is 3/4 ton or less; and

13 (2) The maximum gross vehicle weight is 7,000 pounds or less.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2020.