

CHAPTER 167
FORMERLY
SENATE BILL NO. 89

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE REGISTRATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2112, Title 21 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

§2112. Registration by nonresidents.

(f) (1) A motor vehicle lessor may include separately stated mandatory charges in a rental agreement, including, but not limited to, vehicle licensing recovery fees, airport access fees, airport concession fees and all applicable taxes.

(2) If a motor vehicle lessor includes a vehicle licensing recovery fee as a separately stated charge in a rental transaction, the amount of the fee shall represent the motor vehicle lessor's good-faith estimate of the motor vehicle lessor's average cost per vehicle of the motor vehicle lessor's total Delaware annual titling and registration costs incurred under Chapter 21 of this title.

(3) If the total amount of vehicle licensing recovery fees collected by the motor vehicle lessor under this section in any calendar year exceeds the motor vehicle lessor's actual costs to license, title, register, and plate rental vehicles for that calendar year, the motor vehicle lessor shall do the following:

(a) Retain the excess amount; and

(b) Adjust the estimated average per vehicle titling and registration charges for the following year by a corresponding amount.

(4) As used in this subsection (f):

(a) "Motor vehicle lessor" means a person whose primary business is renting motor vehicles to consumers under rental agreements for periods of 90 days or less.

(b) "Motor vehicle" means that term as defined in §101 of this title.

(c) "Vehicle licensing recovery fee" means a charge that may be included in a vehicle rental transaction originating in this State to recover costs incurred by a motor vehicle lessor to license, title, register, and plate rental vehicles.

Approved August 06, 2013