

LAWS OF DELAWARE
VOLUME 84
CHAPTER 222
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 208

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

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

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

§ 2112. Registration by nonresidents.

(f) (1) A Except as provided by paragraph (2) of this subsection, 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 this chapter. A motor vehicle lessor may not include a vehicle licensing recovery fee as a separately stated mandatory charge in a rental agreement.~~

(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) (3) As used in this subsection:

a. "Motor vehicle" means that term as defined in § 101 of this title.

b. "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.

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.

Section 2. This Act shall take effect on August 1 following its enactment into law.

Approved September 21, 2023