

LAWS OF DELAWARE
VOLUME 84
CHAPTER 363
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 209
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 3

AN ACT TO AMEND TITLES 6 AND 21 OF THE DELAWARE CODE RELATING TO RENTAL CAR COMPANIES AND PEER-TO-PEER CAR SHARING.

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

Section 1. Amend Part Subtitle II, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 49B. RENTAL CAR COMPANIES.

§ 4901B. Definitions

For the purposes of this chapter:

(1) “Loss of use” means the deprivation of the use of a person’s vehicle during the period reasonably required to make repairs or replace the vehicle.

(2) “Rental agreement” means as defined in § 2002 of Title 18.

(3) “Rental company” means as defined in § 2002 of Title 18.

(4) “Rental vehicle” means as defined in § 2002 of Title 18.

§ 4902B. Loss of use damages prohibited.

(a) Damages incurred by rental companies for the loss of use of a rental vehicle and related administrative fees shall not be recovered from any renter, authorized driver, or his or her insurer. Nothing in this section shall be construed as prohibiting recovery of loss of use damages from negligent third parties.

(b) Any rental agreement or other contract inconsistent with the provisions of this section shall be deemed void as against public policy.

Section 2. Amend Chapter 86, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8614. Loss of use damages prohibited.

(a) For the purposes of this section, “loss of use” means the deprivation of the use of a person’s vehicle during the period reasonably required to make repairs or replace the vehicle.

(b) Damages incurred by shared vehicle owners or peer-to-peer car sharing programs for the loss of use of a rental vehicle and related administrative fees shall not be recovered from any renter, authorized driver, or his or her insurer. Nothing in this section shall be construed as prohibiting recovery of loss of use damages from negligent third parties.

(c) Any car sharing program agreement or other contract inconsistent with the provisions of this section shall be deemed void as against public policy.

Section 3. This Act shall be effective for contracts entered into, renewed, or extended on or after August 1 following its enactment into law.

Approved August 12, 2024