



SPONSOR: Rep. Lambert & Rep. Longhurst & Rep. Dorsey Walker
& Sen. Poore
Rep. Morrison; Sen. Huxtable

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 209

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:

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

3 Chapter 49B. RENTAL CAR COMPANIES.

4 § 4901B. Definitions

5 For the purposes of this chapter:

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

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

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

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

11 § 4902B. Loss of use damages prohibited.

12 (a) Notwithstanding any other provision of law to the contrary, rental companies may not recover damages or
13 charge administrative fees relating to the loss of use of a rental vehicle.

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

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

18 § 8614. Loss of use damages prohibited.

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

21 (b) Notwithstanding any other provision of law to the contrary, shared vehicle owners and peer-to-peer car sharing
22 programs may not recover damages or charge administrative fees relating to the loss of use of a shared vehicle.

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

25 Section 3. This Act shall take effect on August 1 following its enactment into law.

SYNOPSIS

This Act prohibits rental companies, shared vehicle owners, and peer-to-peer car sharing programs from recovering damages and charging administrative fees relating to the loss of use of a rental vehicle or shared vehicle. This Act abrogates the common law of loss of use to the extent that it applies to shared vehicle owners, peer-to-peer car sharing programs, and rental car companies and supersedes any other statute to the extent of a conflict.