

HOUSE No. 4050

The Commonwealth of Massachusetts

PRESENTED BY:

Adrian C. Madaro

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act amending the General Laws in relation to enacting the Vehicle Rental Modernization Act.

PETITION OF:

NAME:

Adrian C. Madaro

DISTRICT/ADDRESS:

1st Suffolk

HOUSE No. 4050

By Mr. Madaro of Boston, a petition (subject to Joint Rule 12) of Adrian C. Madaro relative to motor vehicle rental transactions. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act amending the General Laws in relation to enacting the Vehicle Rental Modernization Act.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. This act shall be known and may be cited as the "Vehicle Rental
2 Modernization Act".

3 SECTION 2. Chapter 90 of the General Laws is hereby amended by inserting after
4 section 62 the following sections:

5 Section 63. Definitions. As used in sections 63 to 65, inclusive, the following words
6 shall have the following meanings:

7 (a) "Motor Vehicle" shall: (1) have the meaning set forth in section one of chapter 90; (2)
8 have a gross weight rating of ten thousand pounds or less; and (3) shall not include a
9 "commercial motor vehicle" as defined in section one of chapter 90F.

10 (b) "Vehicle Rental Transaction" means the transfer of possession of a motor vehicle, for
11 a consideration, without the transfer of ownership of such motor vehicle.

12 (c) "Private Motor Vehicle" or "Vehicle" means a Motor Vehicle owned and registered to
13 an individual and which is insured, or subject to being insured, under a personal automobile
14 liability insurance policy insuring a single individual or individuals residing in the same
15 household, as the named insured, but does not include a Motor Vehicle with fewer than four
16 wheels.

17 (d) "Private Vehicle Rental" means the use of Private Motor Vehicles by persons other
18 than the vehicles' registered owners, in connection with a Private Vehicle Rental Program.

19 (e) "Private Vehicle Rental Program" or "Program" is any means, digital or otherwise, by
20 which a Private Vehicle Rental is facilitated by a Private Vehicle Rental Program Provider.

21 (f) "Private Vehicle Rental Program Provider" or "Program Provider" means the
22 corporation, sole proprietorship or other entity or person that is responsible for operating,
23 facilitating or administering Vehicle Rental Transactions through a Private Vehicle Rental
24 Program.

25 (g) "Private Vehicle Rental Owner" or "Owner" means the registered owner of a Private
26 Motor Vehicle available for rent through a Private Vehicle Rental Program.

27 (h) "Private Vehicle Renter" or "Renter" means a person, other than the Private Vehicle
28 Rental Owner, who rents the Owner's vehicle through a Private Vehicle Rental Program.

29 (i) "Motor Vehicle Rental Company" means any corporation, sole proprietorship or other
30 entity or person, including a franchisee, engaged in the business of facilitating Vehicle Rental
31 Transactions which occur in this state. Motor Vehicle Rental Company excludes a Private
32 Vehicle Rental Owner who makes no more than three vehicles available for rent through any

33 Private Vehicle Rental Program, or through any combination of Private Vehicle Rental
34 Programs, during a twelve-month period.

35 Section 64. Requirements for Vehicle Rental Transactions.

36 (a) Vehicle Rental Transactions facilitated by Private Vehicle Rental Program Providers
37 shall be subject to all statutory and regulatory obligations for private passenger motor vehicle
38 rental vehicles, transactions, and companies including, but not limited to compliance with the
39 provisions of section 2 of chapter 64I; section 11 of chapter 90; section 12 of chapter 90; section
40 20E of chapter 90; section 32C of chapter 90; section 32D of chapter 90; section 32E1/2 of
41 chapter 90; section 32E3/4 of chapter 90; section 32E7/8 of chapter 90; and section 92A of
42 chapter 266.

43 (b) Any notice or disclosure required to be provided, delivered, posted, or otherwise
44 made available pursuant any statute, including but not limited to sections 32E, 32E1/2, and
45 32E3/4 of chapter 90 by any Motor Vehicle Rental Company shall also be deemed timely and
46 effectively made where such notice or disclosure is provided or delivered electronically at or
47 before the time required or included in a member or master agreement in effect at the time of
48 rental. For the purposes of this section, a master or member agreement shall include, but not be
49 limited to, any service: (1) offered by a company that permits customers to bypass a retail service
50 location and obtain a product or service directly; (2) where the rental company does not require
51 the renter to execute a rental agreement at the time of rental; or (3) where the renter does not
52 receive the rental terms and conditions at the time of rental.

53 (c) Electronic or written acceptance shall hereby be deemed a valid form of acceptance of
54 any such notice or disclosure, and acceptance shall remain effective until such time as any such
55 acceptance is affirmatively withdrawn by the renter.

56 (d) Notices and disclosures made pursuant to this section shall be exempt from any
57 placement or stylistic display requirements, including but not limited to location, font size,
58 typeset, or other specifically-stated description; provided such disclosures are generally
59 consistent in appearance with the entirety of the communication in which it is contained.

60 (e) In the event a Motor Vehicle Rental Company facilitates rentals via digital, electronic,
61 or other means that allow customers to obtain possession of a vehicle without in person contact
62 with an agent or employee of the provider, or where the renter does not execute a rental contract
63 at the time of rental, the Motor Vehicle Rental Company shall be deemed to have met all
64 obligations to physically inspect and compare a renter's driver license pursuant to section 12 of
65 chapter 90 when such provider: (1) At the time a renter enrolls, or any time thereafter, in a
66 membership program, master agreement, or other means of establishing use of the provider's
67 services, requires verification that the renter is a licensed driver; or (2) Prior to the renter taking
68 possession of the rental vehicle, the provider requires documentation that verifies the renter's
69 identity.

70 SECTION 3. This act shall take effect immediately upon its passage.