

FIRST REGULAR SESSION

HOUSE BILL NO. 1029

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ST. ONGE.

Read 1st time March 1, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2504L.01I

AN ACT

To repeal section 407.732, RSMo, and to enact in lieu thereof one new section relating to additional charges for rental vehicles.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 407.732, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.732, to read as follows:

407.732. 1. Any advertisement shall be nondeceptive and in plain language. Deception may result not only from a direct statement in the advertisement and from reasonable inferences therefrom, but also from omitting or obscuring a material restriction or fact.

2. Print advertisements that include prices for car rentals shall make clear and conspicuous disclosure of the following applicable restrictions:

(1) The expiration date of the price offered if it is available for less than thirty days after the last date of publication of the advertisement;

(2) The existence of any geographical limitations on use;

(3) The extent of any advance reservation or advance payment requirements;

(4) Airport access fee disclosure;

(5) The existence of any penalties or higher rates that may apply for early or late returns for weekly or weekend rentals;

(6) Existence of additional driver fee;

(7) The existence of blackout dates or specific blackout dates for location specific advertisements;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 16 (8) Nonavailability of offer at all locations;
17 (9) Disclosure of mileage caps and charges;
18 (10) Disclosure of collision damage waiver costs.

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20 Print advertisements that include prices for car rentals, where mileage fees apply to the
21 advertised price, shall prominently disclose this extraordinary material restriction. Print
22 advertisements that include prices for car rentals, where a company sells collision damage waiver
23 to the public and does not include this cost in the advertised rate, shall prominently disclose the
24 price for collision damage waiver.

25 3. Broadcast commercials that include prices shall indicate whether substantial
26 restrictions apply and shall include:

- 27 (1) The expiration date of the price offered if the advertised price is available for less
28 than thirty days;
29 (2) Nonavailability of the advertised price in certain locations if that is the case;
30 (3) Mileage limitations and charges, if any;
31 (4) Price or price range for collision damage waiver.

32 4. Any advertised price shall be available in sufficient quantity to meet reasonably
33 expected public demand for the rental cars advertised for the entire advertised period, beginning
34 on the day on which the advertisement appears and continuing at least thirty days thereafter,
35 unless the advertisement clearly and conspicuously discloses a shorter or longer expiration date
36 for the offer, and in that event, through the expiration date. Prices may be advertised although
37 less cars are available than would be required to meet the expected demand, as long as this
38 limitation is clearly and conspicuously set forth in the advertisement and a reasonable number
39 of cars are made available at the advertised price.

40 5. [Any surcharge or fee, including, but not limited to, fuel surcharges, airport access
41 fees, and surcharges in lieu of sales tax that consumers must generally pay at any location in
42 order to obtain or operate a rental vehicle shall be clearly and conspicuously disclosed when a
43 price is advertised] **Additional charges, including fuel surcharges, airport fees, and vehicle
44 license fees shall be clearly and conspicuously disclosed on the rental agreement. Vehicle
45 license fees include those costs incurred by a rental company to license, title, inspect,
46 register, plate, and pay personal property taxes on rental vehicles. Any time a rental price
47 is advertised, the maximum daily amount of each additional charge shall be quoted in
48 addition to the daily rate.**

49 6. A photograph of a rental car shall not be used in a price advertisement unless the
50 advertisement clearly and conspicuously discloses, in immediate proximity to the photograph,
51 the cost to rent the car depicted. A photograph of a rental car shall not be used in an

52 advertisement if the advertisement states directly or by implication that the automobile depicted
53 may be rented under certain conditions and that is not the case.

54 7. Any price advertised as a "daily price" or "price per day" shall be available for rentals
55 of a single day or more, and any price advertised as a "weekly" rate shall be available for the first
56 week and for subsequent weeks of the same rental. A rental company shall not charge more than
57 a weekly price which was advertised if a customer on a weekly rental returns the car earlier than
58 seven days. A price advertised as a "weekend rate" shall be available on both Saturday and
59 Sunday.

60 8. Any car rental advertising promotion which extends a free offer or promises a gift or
61 other incentive shall clearly and conspicuously disclose all the terms and conditions for receiving
62 the offer, gift or incentive. A gift, incentive, or other merchandise or service shall not be
63 advertised as free, if the cost of the item, in whole or in part, is included in the advertised rental
64 rate. If the gift or offer is provided by a third party, the car rental company shall be fully
65 responsible for providing the gift or offer under the terms and conditions disclosed.

66 9. A rental car shall not be advertised using the words "unlimited mileage" or other terms
67 that suggest there are absolutely no mileage restrictions on the use of the rental vehicle only
68 unless there are no geographical restrictions on the use of the vehicle.

69 10. At the time of the car rental transaction, the car rental company shall disclose the
70 following:

- 71 (1) The total cost, including any airport access fees;
- 72 (2) Geographical limitations;
- 73 (3) Advance reservation or payment requirements;
- 74 (4) Penalties or higher rates that may apply for early or late returns for weekly or
75 weekend rentals;
- 76 (5) Cost of additional driver fee;
- 77 (6) Blackout dates.

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