



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4068/1
ZDW:wlj

2015 SENATE BILL 495

January 5, 2016 – Introduced by Senators KAPENGA, COWLES, GUDEx and MOULTON, cosponsored by Representatives VANDERMEER, KOoyENGA, ALLEN, BALLWEG, E. BROOKS, CRAIG, KRUG, MURPHY, ROHRKASTE and SPIROS. Referred to Committee on Agriculture, Small Business, and Tourism.

- 1 **AN ACT to repeal** 344.574 (2) (b) 2.; **to amend** 344.574 (1) (a) (intro.), 344.574
2 (1) (b) (intro.) and 344.574 (2) (b) 3.; and **to create** 344.57 (3m) and 344.574 (2)
3 (a) 2m. of the statutes; **relating to:** loss-of-use fees for rental motor vehicles.

Analysis by the Legislative Reference Bureau

This bill allows a vehicle rental company to hold a renter or driver of a rented vehicle liable for loss of use of the vehicle under certain circumstances.

Under current law, the total liability of a renter or authorized driver for damage to a rented private passenger vehicle may not exceed the actual costs to repair the vehicle or the fair market value of the vehicle immediately before the damage occurred, whichever is less, and the costs incurred by the rental company for towing and storage of the vehicle. A rental company may not hold a renter or driver of a rental vehicle liable for loss of use of the vehicle.

Under this bill, a rental company may hold a renter or driver of a rented private passenger vehicle liable for loss of use that results from an accident for which the renter or driver is cited or charged with inattentive driving, reckless driving, operating while intoxicated, homicide by negligent operation or intoxicated use of a vehicle, or a failure to yield violation that resulted in bodily harm or death. Loss of use must be calculated using the daily rental rate stated in the rental agreement for the vehicle, multiplied by the number of loss-of-use days, not to exceed 30 days.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SENATE BILL 495**SECTION 1**

1 **SECTION 1.** 344.57 (3m) of the statutes is created to read:

2 344.57 **(3m)** “Loss of use” means the loss of a rental company’s ability to use
3 a private passenger vehicle for any purpose due to damage to or loss of the vehicle.

4 **SECTION 2.** 344.574 (1) (a) (intro.) of the statutes is amended to read:

5 344.574 **(1)** (a) (intro.) Unless a renter purchases a damage waiver offered in
6 accordance with s. 344.576, a rental company may hold the renter liable to the extent
7 permitted under subs. (2) to (4) for ~~physical or mechanical~~ damage to the rented
8 private passenger vehicle that is caused by any of the following:

9 **SECTION 3.** 344.574 (1) (b) (intro.) of the statutes is amended to read:

10 344.574 **(1)** (b) (intro.) Unless a renter purchases a damage waiver offered in
11 accordance with s. 344.576, a rental company may hold an authorized driver liable
12 to the extent permitted under subs. (2) to (4) for ~~physical or mechanical~~ damage to
13 the rented private passenger vehicle that is caused by any of the following:

14 **SECTION 4.** 344.574 (2) (a) 2m. of the statutes is created to read:

15 344.574 **(2)** (a) 2m. The amount necessary to reimburse the rental company for
16 loss of use of the private passenger vehicle, subject to all of the following:

17 a. The loss of use resulted from an accident for which the renter or authorized
18 driver was cited or charged with a violation of s. 346.18 or a local ordinance in
19 conformity therewith that resulted in bodily harm or death, a violation of s. 346.62,
20 346.63, or 346.89 or a local ordinance in conformity therewith, or a violation of s.
21 940.09 or 940.10.

22 b. Loss of use shall be calculated using the daily rental rate stated in the rental
23 agreement for the private passenger vehicle, excluding optional charges, multiplied
24 by the number of loss-of-use days, which shall be equal to 2.5 hours of labor as
25 determined by an appraisal for the repair of the private passenger vehicle.

