

118TH CONGRESS  
2D SESSION

# S. 3865

To require rental car companies to allow customers to terminate a rental car agreement if they would otherwise be forced to rent an electric motor vehicle against their wishes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 5, 2024

Mr. COTTON (for himself and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require rental car companies to allow customers to terminate a rental car agreement if they would otherwise be forced to rent an electric motor vehicle against their wishes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Requiring EV Notifica-  
5 tion and Transparency Act of 2024” or the “RENT Act  
6 of 2024”.

1 **SEC. 2. REQUIREMENTS FOR RENTAL CAR COMPANIES**  
2 **PERTAINING TO ELECTRIC MOTOR VEHI-**  
3 **CLES.**

4 (a) **CUSTOMER CHOICE.**—A rental car company shall  
5 only provide a customer with an electric motor vehicle pur-  
6 suant to a rental agreement between the rental car com-  
7 pany and the customer if the customer opts in to renting  
8 an electric motor vehicle.

9 (b) **REQUIREMENTS TO PROVIDE NOTICE AND OP-**  
10 **PORTUNITY TO TERMINATE RENTAL AGREEMENT.**—

11 (1) **NOTICE.**—A rental car company shall notify  
12 a customer not later than 12 hours before the cus-  
13 tomer is scheduled to pick up a motor vehicle pursu-  
14 ant to a rental agreement between the customer and  
15 the rental car company that the rental car company  
16 believes that it is more likely than not that the only  
17 motor vehicles available to rent are electric motor ve-  
18 hicles if—

19 (A) the customer enters into such rental  
20 agreement at a time earlier than 24 hours be-  
21 fore the customer is scheduled to pick up a  
22 motor vehicle; and

23 (B) the customer did not opt in to renting  
24 an electric motor vehicle.

25 (2) **OPPORTUNITY TO TERMINATE RENTAL**  
26 **AGREEMENT; WAIVER OF FEES OR PENALTIES.**—A

1 rental car company shall allow a customer to termi-  
2 nate a rental agreement and may not subject the  
3 customer to any fees or penalties associated with  
4 terminating a rental agreement if the customer did  
5 not opt in to renting an electric motor vehicle and—

6 (A) the customer receives a notice de-  
7 scribed in paragraph (1); or

8 (B) there are only electric motor vehicles  
9 available when the customer arrives to pick up  
10 a motor vehicle.

11 (c) ENFORCEMENT BY THE COMMISSION.—

12 (1) UNFAIR OR DECEPTIVE ACT OR PRAC-  
13 TICES.—A violation of this Act or a regulation pro-  
14 mulgated under this Act shall be treated as an un-  
15 fair or deceptive act or practice in violation of a rule  
16 promulgated under section 18(a)(1)(B) of the Fed-  
17 eral Trade Commission Act (15 U.S.C.  
18 57a(a)(1)(B)).

19 (2) POWERS OF THE COMMISSION.—

20 (A) IN GENERAL.—The Commission shall  
21 enforce this Act in the same manner, by the  
22 same means, and with the same jurisdiction,  
23 powers, and duties as though all applicable  
24 terms and provisions of the Federal Trade

1 Commission Act (15 U.S.C. 41 et seq.) were in-  
2 corporated into and made a part of this Act.

3 (B) PRIVILEGES AND IMMUNITIES.—Any  
4 rental car company that violates this Act or a  
5 regulation promulgated under this Act shall be  
6 subject to the penalties and entitled to the  
7 privileges and immunities provided in the Fed-  
8 eral Trade Commission Act (15 U.S.C. 41 et  
9 seq.).

10 (C) AUTHORITY PRESERVED.—Nothing in  
11 this Act shall be construed to limit or expand  
12 the authority of the Commission under any  
13 other provision of law.

14 (D) RULEMAKING.—Not later than 90  
15 days after the enactment of this Act, the Com-  
16 mission shall promulgate in accordance with  
17 section 553 of title 5, United States Code, such  
18 rules as may be necessary to carry out this Act.

19 (3) EFFECT ON STATE LAW.—Nothing in this  
20 Act shall preclude the application of the law of any  
21 State that requires rental car companies to disclose  
22 more information to customers regarding renting an  
23 electric motor vehicle.

24 (d) ENFORCEMENT BY INDIVIDUALS.—

1           (1) IN GENERAL.—Any individual who has been  
2 harmed by a violation of this Act by a rental car  
3 company may bring a civil action against such com-  
4 pany in a Federal court of competent jurisdiction.

5           (2) RELIEF.—In a civil action brought under  
6 paragraph (1) in which the plaintiff prevails, the  
7 court may award the plaintiff—

8                   (A) an amount equal to the sum of any  
9 damages sustained for each violation;

10                   (B) reasonable attorney fees and litigation  
11 costs.

12       (e) DEFINITIONS.—In this Act:

13           (1) AIRPORT.—The term “airport” has the  
14 meaning given that term in section 40102 of title  
15 49, United States Code.

16           (2) COMMISSION.—The term “Commission”  
17 means the Federal Trade Commission.

18           (3) ELECTRIC MOTOR VEHICLE.—The term  
19 “electric motor vehicle” means a motor vehicle de-  
20 signed to operate exclusively on electricity stored in  
21 a rechargeable battery, multiple batteries, or a bat-  
22 tery pack.

23           (4) MOTOR VEHICLE.—The term “motor vehi-  
24 cle” means any vehicle which is manufactured pri-  
25 marily for use on public streets, roads, and highways

1 (not including a vehicle operated exclusively on a rail  
2 or rails) and which has at least 4 wheels.

3 (5) RENTAL CAR COMPANY.—The term “rental  
4 car company”—

5 (A) means any person engaged in the busi-  
6 ness of renting motor vehicles of any type  
7 that—

8 (i) operates in 2 or more States;

9 (ii) operates on or within 5 miles of  
10 an airport; and

11 (iii) used for rental purposes a motor  
12 vehicle fleet of 1,000 or more motor vehi-  
13 cles, on average, during the most recent  
14 calendar year; and

15 (B) includes any entity that is a subsidiary  
16 of a person described in subparagraph (A).

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