

31A-22-312 Liability for collision damage -- No security required -- No waiver -- Section inapplicable to rental companies disclosing charges.

- (1) No rental company may, in rental agreements of 30 continuous days or less, hold any authorized driver liable for any damage except when:
 - (a) the damage is caused intentionally by an authorized driver or as a result of his willful and wanton misconduct;
 - (b) the damage arises out of the authorized driver's operation of the vehicle while illegally intoxicated or under the influence of any illegal drug as defined or determined under the law of the state where the damage occurred;
 - (c) the damage is caused while the authorized driver is engaged in any speed contest;
 - (d) the rental transaction is based on information supplied by the renter with the intent to defraud the rental company;
 - (e) the damage arises out of the use of the vehicle while committing or otherwise engaged in a criminal act in which the use of the motor vehicle is substantially related to the nature of the criminal activity;
 - (f) the damage arises out of the use of the motor vehicle to carry persons or property for hire; or
 - (g) the damage arises out of the use of the motor vehicle outside of the United States or Canada unless the use is specifically authorized by the rental agreement.
- (2) No security or deposit for damage in any form may be required or requested by the rental company during the rental period, or pending the resolution of any dispute.
- (3) No waiver may be offered to provide coverage for any of the exceptions listed in this section.
- (4) This section does not apply to any rental company:
 - (a) whose advertising in this state clearly discloses all charges and costs incidental to the basic daily rental rate; and
 - (b) that provides written notice to renters clearly printed on the rental agreement and prominently displayed at its place of business, that the renter's own motor vehicle insurance or his credit card agreement may cover any damage or loss to the rental vehicle.

Enacted by Chapter 251, 1989 General Session