

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 52020. Unfair Trade Practices.

Each rental company, and each officer, employee, agent, and other representative thereof, is prohibited from engaging in any practice constituting a violation of the Consumer Protection Act set forth at 4 CMC § 5101 et seq. The following shall be per se violations of 4 CMC § 5105:

(a) The making of any material statement that has the tendency or capacity to mislead or deceive, either orally or in writing, in connection with the rental of, offer to rent, or advertisement to rent a vehicle;

(b) The omission of any material statement that has the tendency or capacity to mislead or deceive, in connection with the rental of, offer to rent, or advertisement to rent a vehicle;

(c) The making of any statement to the effect that the purchase of a damage waiver is mandatory;

(d) Any violation of 4 CMC §§ 52006, 52019, and 52023;

(e) The charging by the rental company to a renter of:

(1) More than the cost of the parts and labor necessary to repair a damaged vehicle in accordance with standard practice in the motor vehicle repair industry in the community, if the vehicle is repaired;

(2) More than the actual cash value of a vehicle if it is declared a total loss;

(3) More than the diminution in value of a vehicle if it is not repaired and not declared a total loss; or

(4) More than the cost of the parts and labor necessary to repair a damaged vehicle in accordance with standard practice in the motor vehicle repair industry in the community if the vehicle is not repaired and is not declared a total loss but is determined by the rental company to be no longer in rentable condition; provided that the vehicle shall not be rented or leased by the rental company to any other renter after that determination has been made by the rental company.

(5) To the extent the rental company obtains recovery from a third party, the rental company shall not recover any amount specified in this paragraph* from the renter;

(f) The making of any statement by the rental company to the effect that the renter is or will be confined to remain within boundaries specified by the rental company unless payment or an agreement relating to the payment of damages has been made by the renter;

(g) The charging of a renter more than a reasonable estimate of the actual income lost for loss of use of a vehicle; and

(h) The charging of a renter more than actual towing charges.

* So in original.

Source: PL 20-65 § 2 (Sept. 21, 2018), modified.

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Commission Comment: The Commission changed the capitalization of the section title pursuant to 1 CMC § 3806(f). The Commission changed “Sections 106, 119, and 123 of this chapter” to “4 CMC §§ 52006, 52019, and 52023” in (d) pursuant to 1 CMC § 3806(c) and (g). The Commission numbered subsection (e)(5) pursuant to 1 CMC § 3806(a).