

Class Outraged by Rent a Car Gimmick

By JUNE WILLIAMS



SEATTLE (CN) - A consumer class action claims Fox Rent A Car and Violation Management Services run an "illegal scam" by charging customers a bogus "service fee" of as much as 16 times the amount of automatically charged highway tolls. The lead plaintiff says she was charged \$100 for two \$3 highway tolls.

The complaint in King County Court claims the companies have "conspired to turn Fox customers' tolls into an illegal profit center" by charging the fees automatically instead of letting customers pay the tolls themselves.

Violation Management Services (VMS) bills customers for the alleged "violations," which are just routine tolls, the customers say.

"Pursuant to this arrangement, VMS unilaterally charges customers' credit cards for the amount of the tolls, plus an exorbitant 'service fee' - possibly varying in amount but sometimes exceeding 1,600% of the actual toll. This 'service fee' is not authorized by customers, is not properly disclosed to customers, far exceeds any actual cost to Fox and/or VMS for the collection of the toll, is arbitrary and unreasonable, and is accompanied by numerous false and deceptive statements about the alleged right to collect the 'service fee,'" the complaint states.

"The 'service fee' is nothing other than an illegal scam to collect from customers amounts that they do not owe. Indeed, VMS makes no bones about its practices, having indicated on its website that its business is to turn the collection of such tolls 'into a profitable customer service solution.' VMS further shares the spoils of its illegally-collected 'service fees' with the rental car companies with whom it contracts, offering to pay them a kickback in the form of a 'summons incentive ... for each service fee collected' from customers." (Ellipsis in complaint.)

Named plaintiff Averil Rothrock says she was charged \$100 for two \$3 tolls after VMS falsely claimed that the tolls were a "citation."

She says VMS sent her a notice saying it "paid the fine and current penalties to prevent any further enforcement action."

Actually, Rothrock says, VMS paid the tolls so that "it could purport to charge Ms. Rothrock a 'service' fee of fifty dollars on each \$3.00 toll. Moreover, contrary to its explicit representations, VMS did not pay any 'fine' or 'current penalties' insofar as there was no 'fine' or 'penalty' but merely a toll."

The class seeks disgorgement and treble damages for violations of the Washington Consumer Protection Act, conversion and unjust enrichment. They are represented by Erik Heipt with Budge & Heipt.