

STATE OF NEW YORK

8530

IN SENATE

March 9, 2022

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to vehicle cost recovery fees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 396-z of the general business law
2 is amended by adding a new paragraph (m) to read as follows:

3 (m) "Vehicle cost recovery fee" means the allowable recovery by a
4 rental vehicle company from its renters for actual costs incurred to
5 title, register, plate and inspect rental vehicles as determined by an
6 annual audit conducted by the rental vehicle company. Each such audit
7 shall be retained for a period of not less than five years and shall be
8 made available to the attorney general upon written request.

9 § 2. Paragraphs (a) and (b) of subdivision 10 of section 396-z of the
10 general business law, as amended by chapter 109 of the laws of 2018, are
11 amended to read as follows:

12 (a) A rental vehicle company shall not charge in addition to the
13 rental rate, taxes, and mileage charge, if any, any fee which must be
14 paid as a condition of renting the vehicle, such as, but not limited to,
15 required fuel surcharges, each of which shall be separately stated on
16 the rental agreement. In addition, a rental vehicle company may also
17 state separately and charge, where applicable, airport fees as such term
18 is defined herein, and a vehicle cost recovery fee.

19 (b) In addition to the rental rate, taxes, applicable airport fees,
20 vehicle cost recovery fee, and mileage charge, if any, a rental vehicle
21 company may charge for an item or service provided in connection with a
22 particular rental transaction if the renter could have avoided incurring
23 the charge by not choosing to obtain or utilize the optional item or
24 service, such as, but not limited to, optional accessories or services
25 requested by the renter, service charges incident to the renter's
26 optional return of the vehicle to a location other than the location
27 where the vehicle was rented, and charges for refueling the vehicle with
28 as much fuel as was in the fuel tank at the beginning of the rental.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 § 3. This act shall take effect immediately, provided that the amend-
2 ments to section 396-z of the general business law made by sections one
3 and two of this act shall not affect the expiration of such section and
4 shall be deemed to expire therewith.