

5725

2009-2010 Regular Sessions

I N   S E N A T E

June 1, 2009

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Introduced by Sen. KLEIN -- 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 rental car  
vehicles

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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 (k) to read as follows:  
3     (K) "VEHICLE LICENSING RECOVERY FEE" MEANS THE DAILY FEE A RENTAL  
4     VEHICLE COMPANY MAY CHARGE ITS CUSTOMERS WHICH SHALL REPRESENT AN AVER-  
5     AGE PER-RENTAL DAY PORTION OF THE COMPANY'S ESTIMATED ANNUAL COSTS, AS  
6     IMPOSED BY THE STATE, FOR THE LICENSING, TITLING, REGISTRATION AND  
7     INSPECTION OF ITS VEHICLES IN NEW YORK. IF THE TOTAL AMOUNT RECOVERED  
8     FROM RENTERS BY A RENTAL VEHICLE COMPANY FOR VEHICLE LICENSING FEES  
9     DURING THE CALENDAR YEAR IS DIFFERENT THAN THE TOTAL AMOUNT PAID BY THE  
10    RENTAL VEHICLE COMPANY FOR SUCH ITEMS, THE RENTAL VEHICLE COMPANY SHALL  
11    ADJUST ITS DAILY FEE IN THE FOLLOWING CALENDAR YEAR BY THE AMOUNT OF THE  
12    DIFFERENCE.  
13    S 2. Subdivision 8 of section 396-z of the general business law, as  
14    amended by chapter 731 of the laws of 2006, is amended to read as  
15    follows:  
16    8. No rental vehicle company shall advertise or quote a rental rate  
17    that does not include all charges, except taxes or optional items and/or  
18    services or any mileage charge, which an authorized driver must pay to  
19    obtain a rental vehicle. Provided, however, a rental vehicle company  
20    shall be permitted to separately quote and charge airport fees AND VEHI-  
21    CLE LICENSING RECOVERY FEES as defined herein, which shall be in addi-  
22    tion to the rental rate; and provided further that advertised rental  
23    rates that include locations at which airport fees apply shall clearly  
24    indicate that additional fees apply.

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

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1 S 3. Paragraphs (a) and (b) of subdivision 10 of section 396-z of the  
2 general business law, as amended by chapter 731 of the laws of 2006, are  
3 amended to read as follows:

4 (a) A rental vehicle company shall not charge in addition to the  
5 rental rate, taxes, and mileage charge, if any, any fee which must be  
6 paid as a condition of renting the vehicle, such as, but not limited to,  
7 required fuel surcharges, each of which shall be separately stated on  
8 the rental agreement. In addition, a rental vehicle company may also  
9 state separately and charge, where applicable, airport fees AND VEHICLE  
10 LICENSING RECOVERY FEES as such [term is] TERMS ARE defined [herein] IN  
11 THIS SECTION.

12 (b) In addition to the rental rate, taxes, applicable airport fees,  
13 VEHICLE LICENSING RECOVERY FEES, and mileage charge, if any, a rental  
14 vehicle company may charge for an item or service provided in connection  
15 with a particular rental transaction if the renter could have avoided  
16 incurring the charge by not choosing to obtain or utilize the optional  
17 item or service, such as, but not limited to, optional accessories or  
18 services requested by the renter, service charges incident to the  
19 renter's optional return of the vehicle to a location other than the  
20 location where the vehicle was rented, and charges for refueling the  
21 vehicle with as much fuel as was in the fuel tank at the beginning of  
22 the rental.

23 S 4. This act shall take effect immediately; provided, however, that  
24 the amendments to section 396-z of the general business law made by  
25 sections one, two and three of this act shall not affect the repeal of  
26 such section and shall be deemed repealed therewith.