S T A T E O F N E W Y O R K

907

2009-2010 Regular Sessions

I N S E N A T E

January 21, 2009

Introduced by Sen. KRUGER -- 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 excessive refueling charges by motor vehicle rental agencies

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 391-q to read as follows:

S 391-Q. RENTAL OF MOTOR VEHICLES; EXCESSIVE REFUELING CHARGES. 1. DEFINITIONS. AS USED IN THIS SECTION:

A. "MOTOR VEHICLE RENTAL AGENCY," OR "AGENCY," SHALL MEAN A PERSON ENGAGED IN THE BUSINESS OF RENTING MOTOR VEHICLES IN THIS STATE;

B. "PERSON" SHALL MEAN ANY INDIVIDUAL, FIRM, CORPORATION OR OTHER LEGAL ENTITY;

C. "MOTOR VEHICLE" SHALL HAVE THE MEANING ASCRIBED THERETO BY SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW.

2. IT SHALL BE UNLAWFUL FOR ANY MOTOR VEHICLE RENTAL AGENCY TO CHARGE A PERSON WHO RENTS A MOTOR VEHICLE FROM SUCH AGENCY MORE THAN TEN PERCENT ABOVE THE AVERAGE PRICE OF GASOLINE WITHIN A FIVE MILE RADIUS OF SUCH AGENCY'S LOCATION AS THE COST OF REFUELING SUCH VEHICLE UPON ITS RETURN.

3. ANY VIOLATION OF THIS SECTION SHALL CONSTITUTE A MISDEMEANOR AND SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS, OR NOT MORE THAN ONE HUNDRED DAYS IN JAIL, OR BOTH.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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