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

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2009-2010 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. PHEFFER, SILVER, COOK, AUBRY, GREENE, DINOWITZ, P. RIVERA, GABRYSZAK -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, CLARK, COLTON, CYMBROWITZ, DIAZ, FARRELL, GALEF, GANTT, GIANARIS, GLICK, GOTTFRIED, HIKIND, HOYT, JACOBS, MAYERSOHN, McENENY, MILLMAN, ORTIZ, TOWNS, WRIGHT -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, the vehicle and traffic law, and the insurance law, in relation to providing for the registration and regulation of rental vehicle companies; to amend the insurance law, and the vehicle and traffic law, in relation to making technical corrections thereto and repealing certain provisions of the general business law relating to requirements for the rental of motor vehicles

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 article 12-A to read as follows:

ARTICLE 12-A

RENTAL VEHICLE COMPANIES

SECTION 210. STATEMENT OF PURPOSE.
211. DEFINITIONS.
212. REGISTRATION OF RENTAL VEHICLE COMPANIES.
213. APPLICATION FOR REGISTRATION.
214. REGISTRATION FEES.
215. BUSINESS REORGANIZATION.
216. GROUNDS FOR SUSPENSION, REVOCATION, AND REFUSAL TO ISSUE OR TO RENEW A REGISTRATION.
216-A. HEARINGS; TEMPORARY SUSPENSION; SUBPOENAS.
216-B. ADDITIONAL PENALTIES.
216-C. UNREGISTERED OPERATION; OPERATION WHILE SUSPENDED OR REVOKED; PROCEDURE AND PENALTIES.
216-D. ADMINISTRATIVE REVIEW.

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

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216-E. IMPROPER DISPLAY OF REGISTRATION SIGN.
216-F. DISCRIMINATION PROHIBITED.
216-G. OTHER RENTAL VEHICLE PROTECTIONS.
216-H. DISPLAY OF RENTER PROTECTION SIGN.
216-I. PRIVATE RIGHT OF ACTION.
216-J. POWERS OF THE COMMISSIONER.

S 210. STATEMENT OF PURPOSE. THE PURPOSES OF THIS ARTICLE ARE TO DISCOURAGE DISCRIMINATORY PRACTICES BY THOSE ENGAGED IN BUSINESS AS A RENTAL VEHICLE COMPANY AND TO PROTECT CONSUMERS OF THIS STATE FROM DISHONEST, DECEPTIVE, FRAUDULENT, AND OTHERWISE UNLAWFUL PRACTICES IN THE RENTAL OF SUCH MOTOR VEHICLES. THESE PURPOSES WILL BE ACCOMPLISHED BY THE ENACTMENT OF LEGISLATION WHICH REQUIRES THE REGISTRATION OF THOSE ENGAGED IN BUSINESS AS RENTAL VEHICLE COMPANIES AND EXCLUDES FROM THAT BUSINESS THOSE PERSONS WHO ENGAGE IN SUCH UNLAWFUL PRACTICES OR WHO OTHERWISE DEMONSTRATE UNFITNESS FOR THAT BUSINESS.

S 211. DEFINITIONS. THE FOLLOWING TERMS, WHEN USED IN THIS ARTICLE, MEAN AND INCLUDE:

1. "ACCIDENT REPORT FORM" REFERS TO THE PROCEDURES AND FORMS REQUIRED PURSUANT TO SECTION SIX HUNDRED FIVE OF THE VEHICLE AND TRAFFIC LAW OR ANY SUBSTANTIALLY SIMILAR APPROPRIATE FORM FURNISHED BY THE RENTAL VEHICLE COMPANY.

2. "APPLICANT" MEANS ANY PERSON, FIRM, COMPANY, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, CORPORATION, OR OTHER ENTITY WHICH APPLIES TO THE COMMISSIONER FOR A CERTIFICATE OF REGISTRATION TO ENGAGE IN BUSINESS AS A RENTAL VEHICLE COMPANY.

3. "AUTHORIZED DRIVER" MEANS:

(A) THE PERSON TO WHOM THE VEHICLE IS RENTED IF SUCH PERSON IS A LICENSED DRIVER;

(B) SUCH PERSON'S SPOUSE IF SUCH PERSON IS LICENSED AND AT LEAST EIGHTEEN YEARS OF AGE;

(C) ANY PERSON WHO OPERATES THE VEHICLE DURING AN EMERGENCY SITUATION, DRIVING TO A MEDICAL FACILITY; OR

(D) ANY LICENSED DRIVER EXPRESSLY LISTED ON THE RENTAL AGREEMENT AS AN AUTHORIZED DRIVER.

4. "COMMISSIONER" MEANS THE COMMISSIONER OF MOTOR VEHICLES.

5. "CREDIT CARD" MEANS ANY CREDIT CARD, CREDIT PLATE, CHARGE PLATE, OR OTHER IDENTIFICATION CARD OR DEVICE WHICH IS ISSUED BY A PERSON TO ANOTHER PERSON, AS THE HOLDER THEREOF, AND WHICH MAY BE USED BY SUCH HOLDER TO OBTAIN A CASH ADVANCE, LOAN OR CREDIT OR TO PURCHASE OR RENT PROPERTY OR SERVICES ON THE CREDIT OF THE PERSON ISSUING THE CREDIT CARD OR OF THE HOLDER.

6. "DEPARTMENT" MEANS THE DEPARTMENT OF MOTOR VEHICLES.

7. "PAST DRIVING HISTORY" MEANS A COMPILATION OF INFORMATION PERTAINING TO ANY AUTHORIZED DRIVER'S PRIOR ACCIDENTS WHILE DRIVING A MOTOR VEHICLE OR VIOLATIONS OF ANY LAW OR REGULATION OF THIS OR ANY OTHER STATE PERTAINING TO MOTOR VEHICLES.

8. "PERSON" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP, JOINT VENTURE, LIMITED LIABILITY COMPANY, ASSOCIATION, COMPANY, TRUST, UNINCORPORATED ORGANIZATION, OR OTHER ENTITY AND INCLUDES ANY OTHER PERSON THAT HAS A SUBSTANTIAL INTEREST IN OR EFFECTIVELY CONTROLS SUCH PERSON, AS WELL AS THE INDIVIDUAL OFFICERS, DIRECTORS, GENERAL PARTNERS, TRUSTEES, OR OTHER INDIVIDUALS IN CONTROL OF THE ACTIVITIES OF EACH SUCH PERSON.

9. "REGISTRANT" MEANS ANY PERSON PROPERLY REGISTERED WITH THE DEPARTMENT OF MOTOR VEHICLES TO ENGAGE IN BUSINESS AS A RENTAL VEHICLE COMPANY.

10. "RENTAL AGREEMENT" MEANS ANY WRITTEN AGREEMENT SETTING FORTH THE TERMS AND CONDITIONS GOVERNING AN AUTHORIZED DRIVER'S USE OF A RENTAL VEHICLE FOR A PERIOD NOT TO EXCEED THIRTY CONTINUOUS DAYS.

11. "RENTAL VEHICLE" HAS THE SAME MEANING DEFINED BY SECTION ONE HUNDRED THIRTY-SEVEN-A OF THE VEHICLE AND TRAFFIC LAW.

12. "RENTAL VEHICLE COMPANY" MEANS ANY PERSON, FIRM, COMPANY, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, CORPORATION, OR OTHER ENTITY, WHETHER INDEPENDENTLY OWNED AND OPERATED OR OTHERWISE, WHICH ENGAGES IN THE BUSINESS OF PROVIDING RENTAL VEHICLES TO THE PUBLIC FROM A LOCATION IN THIS STATE.

S 212. REGISTRATION OF RENTAL VEHICLE COMPANIES. 1. NO PERSON SHALL ENGAGE IN BUSINESS AS A RENTAL VEHICLE COMPANY UNLESS SUCH PERSON HAS REGISTERED WITH THE DEPARTMENT IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AND HAS OBTAINED A CERTIFICATE OF REGISTRATION ISSUED BY THE COMMISSIONER.

2. THE COMMISSIONER IS HEREBY AUTHORIZED TO REGISTER APPLICANTS TO ENGAGE IN BUSINESS AS A RENTAL VEHICLE COMPANY. SUCH REGISTRATION SHALL BE EFFECTIVE FOR TWO YEARS AND SUBJECT TO RENEWAL FOR ADDITIONAL TWO YEAR PERIODS AT THE EXPIRATION OF EACH TWO YEAR PERIOD. SUCH REGISTRATION MAY ONLY BE ISSUED IN ACCORDANCE WITH THIS ARTICLE.

S 213. APPLICATION FOR REGISTRATION. 1. THE APPLICATION FOR REGISTRATION UNDER THIS ARTICLE SHALL BE FILED WITH THE COMMISSIONER IN SUCH FORM AND DETAIL AS THE COMMISSIONER SHALL PRESCRIBE, SETTING FORTH:

(A) NAME AND RESIDENTIAL ADDRESS OF APPLICANT; IF AN INDIVIDUAL, THE NAME UNDER WHICH HE OR SHE INTENDS TO CONDUCT BUSINESS; IF A PARTNERSHIP, THE NAME AND RESIDENTIAL ADDRESS OF EACH MEMBER THEREOF, AND THE NAME UNDER WHICH THE BUSINESS IS TO BE CONDUCTED; IF A CORPORATION WHERE STOCK IS NOT SOLD TO THE PUBLIC ON A STOCK EXCHANGE OR OVER-THE-COUNTER MARKET, THE NAME OF THE CORPORATION, THE NAME AND RESIDENTIAL ADDRESS OF EACH OF THE OFFICERS, DIRECTORS, AND STOCKHOLDERS OF THE CORPORATION HOLDING MORE THAN TEN PERCENT OF THE OUTSTANDING STOCK, AND THE NAME UNDER WHICH THE BUSINESS IS TO BE CONDUCTED IF DIFFERENT FROM THE NAME OF THE CORPORATION; IF A CORPORATION WHOSE STOCK IS SOLD TO THE PUBLIC ON A STOCK EXCHANGE OR OVER-THE-COUNTER MARKET, THE NAME AND BUSINESS ADDRESS OF THE CORPORATION, THE NAME UNDER WHICH THE BUSINESS IS TO BE CONDUCTED IF DIFFERENT FROM THE CORPORATE NAME, AND A SEPARATE STATEMENT THAT THE CORPORATION IS EITHER REGISTERED IN NEW YORK OR IS AUTHORIZED TO DO BUSINESS IN THE STATE IF A LIMITED LIABILITY COMPANY, THE NAME OF THE LIMITED LIABILITY COMPANY, THE NAME AND RESIDENTIAL ADDRESS OF EACH OF THE MEMBERS OF THE LIMITED LIABILITY COMPANY, AND THE NAME UNDER WHICH THE BUSINESS IS TO BE CONDUCTED IF DIFFERENT FROM THE NAME OF THE LIMITED LIABILITY COMPANY.

(B) THE APPROPRIATE CERTIFICATION OR DOCUMENTATION FROM THE MUNICIPALITY WHERE THE RENTAL VEHICLE COMPANY IS LOCATED THAT THE FACILITY IS IN COMPLIANCE WITH APPLICABLE ZONING AND PLANNING REGULATIONS, FIRE REGULATIONS, AND BUILDING CODES. IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT TO PROVIDE SUCH DOCUMENTATION TO THE COMMISSIONER. THE COMMISSIONER MAY WAIVE THIS REQUIREMENT FOR APPLICANTS FROM MUNICIPALITIES WITHOUT SUCH CODES OR REGULATIONS.

(C) THE PLACE OR PLACES, INCLUDING THE COMPLETE ADDRESS OR ADDRESSES, WHERE THE BUSINESS IS TO BE CONDUCTED.

(D) SUCH FURTHER INFORMATION AS THE COMMISSIONER MAY REASONABLY PRESCRIBE.

2. BEFORE AN APPLICATION FOR AN ORIGINAL CERTIFICATE OF REGISTRATION IS APPROVED, THE APPLICANT MUST HAVE UPON THE PREMISES TO BE REGISTERED ADEQUATE SPACE AND PROPER FACILITIES TO RETAIN AND SAFEGUARD ALL RECORDS AND DOCUMENTS THAT MUST BE MAINTAINED UPON THE REGISTERED PREMISES, AS REQUIRED BY THE VEHICLE AND TRAFFIC LAW AND THE REGULATIONS OF THE COMMISSIONER.

3. THE COMMISSIONER MAY REQUIRE THE APPLICANT FOR REGISTRATION TO APPEAR AT SUCH TIME AND PLACE AS MAY BE DESIGNATED BY THE COMMISSIONER TO ENABLE HIM OR HER TO DETERMINE THE ACCURACY OF THE FACTS SET FORTH IN THE WRITTEN APPLICATION, EITHER FOR INITIAL REGISTRATION OR RENEWAL THEREOF.

4. EVERY APPLICATION UNDER THIS SECTION SHALL BE VERIFIED BY THE APPLICANT.

S 214. REGISTRATION FEES. EVERY ORIGINAL APPLICATION FOR REGISTRATION AS A RENTAL VEHICLE COMPANY SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF TWENTY-FIVE DOLLARS, WHICH SHALL IN NO EVENT BE REFUNDED. IF AN APPLICATION IS APPROVED BY THE COMMISSIONER, UPON PAYMENT BY THE APPLICANT OF AN ADDITIONAL FEE OF ONE HUNDRED FIFTY DOLLARS FOR EACH PLACE OF BUSINESS, THE APPLICANT SHALL BE GRANTED A CERTIFICATE OF REGISTRATION FOR EACH PLACE OF BUSINESS, WHICH CERTIFICATE OR CERTIFICATES SHALL BE VALID FOR A PERIOD OF TWO YEARS. THE COMMISSIONER MAY, AT HIS OR HER DISCRETION, ISSUE SUCH CERTIFICATES OF REGISTRATION ON A STAGGERED EXPIRATION BASIS, IN WHICH EVENT THE FEES SET FORTH IN THIS SECTION SHALL BE PRORATED ON A MONTHLY BASIS. IN THE EVENT THAT A CERTIFICATE OF REGISTRATION IS ISSUED ON A STAGGERED BASIS, IT SHALL EXPIRE ON THE DATE FIXED BY THE COMMISSIONER. THE BIENNIAL FEE FOR RENEWAL OF ANY CERTIFICATE OF REGISTRATION ISSUED PURSUANT TO THIS ARTICLE SHALL BE ONE HUNDRED FIFTY DOLLARS. THE COMMISSIONER SHALL ISSUE A CERTIFICATE OF REGISTRATION TO EACH APPLICANT PURSUANT TO THE PROVISIONS OF THIS ARTICLE, WHICH CERTIFICATE SHALL BE CONSPICUOUSLY DISPLAYED IN THE PLACE OF BUSINESS OF THE REGISTRANT FOR WHICH SUCH REGISTRATION IS ISSUED. IN THE CASE OF LOSS, MUTILATION, OR DESTRUCTION OF A CERTIFICATE OF REGISTRATION, THE COMMISSIONER SHALL, UPON APPLICATION, ISSUE A DUPLICATE CERTIFICATE THEREOF UPON PROOF OF FACTS.

S 215. BUSINESS REORGANIZATION. 1. IF A CERTIFICATE OF REGISTRATION UNDER THIS ARTICLE IS ISSUED IN THE NAMES OF TWO OR MORE PERSONS AS PARTNERS AND A CHANGE OCCURS IN THE MEMBERSHIP OF SUCH PARTNERSHIP, THE REGISTRATION SHALL NOT EXPIRE IF ANY ONE OF THE PERSONS NAMED IN SUCH REGISTRATION IS A MEMBER OF THE PARTNERSHIP OR CARRIES ON THE BUSINESS OF THE PARTNERSHIP AS A SURVIVING MEMBER OF THE PARTNERSHIP. WHEN ANY SUCH CHANGE OCCURS AND THE REGISTRATION DOES NOT EXPIRE, THE PARTNERS OR THE SURVIVING MEMBERS AFTER SUCH CHANGE SHALL FORTHWITH FILE WITH THE COMMISSIONER A STATEMENT REGARDING SUCH PARTNERSHIP IN SUCH FORM AND GIVING SUCH INFORMATION AS THE COMMISSIONER SHALL REQUIRE, AND THE COMMISSIONER SHALL ISSUE A NEW CERTIFICATE OF REGISTRATION.

2. IF A CERTIFICATE OF REGISTRATION UNDER THIS ARTICLE IS ISSUED AND, SUBSEQUENT THERETO, THE BUSINESS NAME OF ANY SUCH RENTAL VEHICLE COMPANY IS CHANGED, OR IN THE EVENT THAT THE OWNERS OF A BUSINESS INCORPORATE SUCH BUSINESS WITH NO CHANGE IN THE ACTUAL OWNERSHIP AND OPERATION THEREOF, SUCH REGISTRATION SHALL NOT EXPIRE. SUCH OWNER OR OWNERS THEREOF SHALL FORTHWITH FILE WITH THE COMMISSIONER A STATEMENT REGARDING THE CHANGE OF NAME IN SUCH FORM AND WITH SUCH INFORMATION AS THE COMMISSIONER SHALL REQUIRE.

3. IF A CERTIFICATE OF REGISTRATION UNDER THIS ARTICLE IS ISSUED IN THE NAME OF A LIMITED LIABILITY COMPANY AND A CHANGE OCCURS IN THE MEMBERSHIP OF SUCH LIMITED LIABILITY COMPANY, THE REGISTRATION SHALL NOT

EXPIRE IF ANY ONE OF THE PERSONS NAMED AS A MEMBER OF SUCH LIMITED LIABILITY COMPANY IN THE APPLICATION FOR REGISTRATION IS A MEMBER OF THE LIMITED LIABILITY COMPANY. WHEN ANY SUCH CHANGE OCCURS AND THE REGISTRATION DOES NOT EXPIRE, THE LIMITED LIABILITY COMPANY SHALL FORTHWITH FILE WITH THE COMMISSIONER A STATEMENT REGARDING SUCH LIMITED LIABILITY COMPANY IN SUCH FORM AND GIVING SUCH INFORMATION AS THE COMMISSIONER SHALL REQUIRE, AND THE COMMISSIONER SHALL ISSUE A NEW CERTIFICATE OF REGISTRATION.

S 216. GROUNDS FOR SUSPENSION, REVOCATION, AND REFUSAL TO ISSUE OR TO RENEW A REGISTRATION. THE COMMISSIONER, OR ANY PERSON DEPUTIZED BY HIM OR HER, MAY DENY ANY APPLICATION FOR REGISTRATION UNDER THIS ARTICLE, SUSPEND OR REVOKE A REGISTRATION UNDER THIS ARTICLE, OR REFUSE TO ISSUE A RENEWAL THEREOF IF HE OR SHE OR SUCH DEPUTY DETERMINES THAT SUCH APPLICANT OR REGISTRANT, OR ANY OFFICER, DIRECTOR, STOCKHOLDER, PARTNER, OR MEMBER:

1. HAS MADE A MATERIALLY FALSE STATEMENT IN HIS OR HER APPLICATION OR CONCEALED A MATERIAL FACT IN CONNECTION WITH SUCH APPLICATION; OR

2. HAS BEEN GUILTY OF FRAUD OR FRAUDULENT PRACTICES, OR HAS PRACTICED DISHONEST OR MISLEADING ADVERTISING AS PROVIDED IN ARTICLE TWENTY-TWO-A OF THIS CHAPTER; OR

3. HAS FAILED TO COMPLY WITH ANY OF THE RULES AND REGULATIONS OF THE COMMISSIONER FOR THE ENFORCEMENT OF THIS ARTICLE OR WITH ANY PROVISION OF THIS ARTICLE, INCLUDING, BUT NOT LIMITED TO, SECTION TWO HUNDRED SIXTEEN-F, SECTION TWO HUNDRED SIXTEEN-G, OR SECTION TWO HUNDRED SIXTEEN-H OF THIS ARTICLE; OR

4. HAS BEEN CONVICTED OF ANY CRIME INVOLVING DISHONESTY OR DECEIT; OR

5. WAS A FORMER HOLDER, OR WAS AN OFFICER, DIRECTOR, STOCKHOLDER, PARTNER, OR MEMBER IN A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHICH WAS THE FORMER HOLDER OF A RENTAL VEHICLE COMPANY'S REGISTRATION, WHICH WAS REVOKED BY THE COMMISSIONER OR, AT THE TIME OF APPLICATION, SUSPENDED BY THE COMMISSIONER; OR

6. HAS FAILED TO COMPLY WITH ANY REQUIREMENTS ESTABLISHED BY SECTION FOUR HUNDRED ONE, FOUR HUNDRED TWO, FOUR HUNDRED SEVENTEEN-A, OR TWELVE HUNDRED TWENTY-NINE OF THE VEHICLE AND TRAFFIC LAW OR SECTION TWENTY-ONE HUNDRED THIRTY-ONE OF THE INSURANCE LAW, WHERE APPLICABLE, AND SECTION THIRTY-FOUR HUNDRED FORTY OF THE INSURANCE LAW.

S 216-A. HEARINGS; TEMPORARY SUSPENSION; SUBPOENAS. 1. NO REGISTRATION SHALL BE SUSPENDED OR REVOKED, RENEWAL REFUSED, OR APPLICATION DENIED PURSUANT TO SECTION TWO HUNDRED SIXTEEN OF THIS ARTICLE AND NO PENALTY SHALL BE IMPOSED PURSUANT TO SECTION TWO HUNDRED SIXTEEN-B OR TWO HUNDRED SIXTEEN-C OF THIS ARTICLE, EXCEPT UPON NOTICE BY CERTIFIED MAIL TO THE REGISTRANT, APPLICANT, OR ANY PERSON WHO OPERATES AN UNREGISTERED RENTAL VEHICLE COMPANY AND AFTER AN OPPORTUNITY TO BE HEARD BEFORE AN OFFICER OR EMPLOYEE OF THE DEPARTMENT DESIGNATED FOR SUCH PURPOSE BY THE COMMISSIONER; PROVIDED, HOWEVER, THAT, WHERE A NOTICE OF HEARING IS MAILED TO A REGISTRANT AT THE ADDRESS SHOWN IN THE RECORDS OF THE DEPARTMENT AND SUCH REGISTRANT FAILS TO ATTEND SUCH HEARING, THE COMMISSIONER MAY SUSPEND SUCH REGISTRATION PENDING THE REGISTRANT'S ATTENDANCE AT SUCH HEARING. REQUESTS FOR ADJOURNMENT OF SUCH HEARINGS SHALL BE GRANTED IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE COMMISSIONER. A SUSPENSION PENDING ATTENDANCE AT A HEARING SHALL NOT BE APPEALABLE; PROVIDED, HOWEVER, THAT, UPON A WRITTEN NOTICE OF TEMPORARY SUSPENSION DELIVERED BY CERTIFIED MAIL TO THE REGISTRANT, A REGISTRATION MAY BE TEMPORARILY SUSPENDED PENDING A HEARING. ANY SUCH NOTICE OF TEMPORARY SUSPENSION SHALL PROVIDE THAT THE SUSPENSION IS EFFECTIVE SEVENTY-TWO HOURS AFTER MAILING OF SUCH NOTICE AND SHALL PROVIDE THAT A HEARING BE

SCHEDULED WITHIN TEN DAYS AFTER THE EFFECTIVE DATE OF THE TEMPORARY SUSPENSION.

2. THE APPLICANT OR REGISTRANT MAY BE HEARD IN PERSON OR BY COUNSEL. THE HEARING SHALL BE AT SUCH TIME AND PLACE AS THE COMMISSIONER SHALL PRESCRIBE. THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE MAY INSPECT THE PERTINENT BOOKS, RECORDS, LETTERS, AND CONTRACTS OF A REGISTRANT RELATING TO ANY WRITTEN COMPLAINT OR CHARGE AGAINST SUCH REGISTRANT. THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE SHALL HAVE THE POWER TO SUBPOENA AND BRING BEFORE A HEARING OFFICER ANY PERSON IN THIS STATE AND ADMINISTER AN OATH TO AND TAKE TESTIMONY OF ANY PERSON OR CAUSE THE PERSON'S DEPOSITION TO BE TAKEN. A SUBPOENA ISSUED UNDER THIS SECTION SHALL BE REGULATED BY THE CIVIL PRACTICE LAW AND RULES.

3. (A) FOLLOWING THE SUSPENSION OR REVOCATION OF THE CERTIFICATE OF REGISTRATION OF A RENTAL VEHICLE COMPANY PURSUANT TO SECTION TWO HUNDRED SIXTEEN OF THIS ARTICLE, THE FAILURE OF THE HOLDER OR ANY OTHER PERSON POSSESSING THE CERTIFICATE OF REGISTRATION TO DELIVER THE SAME ALONG WITH A CERTIFIED COPY OF THE ORDER REVOKING OR SUSPENDING SUCH REGISTRATION TO THE AGENT OR OFFICER DIRECTED BY THE COMMISSIONER TO SECURE POSSESSION THEREOF, OR AGENT OF THE COMMISSIONER, DISPLAYING AUTHORIZATION TO ACT IN SUCH CAPACITY, SHALL BE SUBJECT TO A CIVIL PENALTY IN THE SUM OF ONE THOUSAND DOLLARS.

(B) IF ANY PERSON FAILS TO DELIVER A CERTIFICATE OF REGISTRATION, THE COMMISSIONER SHALL FORTHWITH DIRECT ANY PEACE OFFICER ACTING PURSUANT TO HIS OR HER SPECIAL DUTIES OR POLICE OFFICER TO SECURE POSSESSION THEREOF AND TO RETURN THE SAME TO THE COMMISSIONER.

(C) IN THE EVENT THAT A CERTIFICATE OF REGISTRATION IS REVOKED OR AN APPLICATION IS DENIED, NO SUCH CERTIFICATE SHALL BE ISSUED TO SUCH FORMER REGISTRANT OR APPLICANT FOR AT LEAST SIX MONTHS, NOR THEREAFTER, EXCEPT IN THE DISCRETION OF THE COMMISSIONER.

S 216-B. ADDITIONAL PENALTIES. 1. THE COMMISSIONER, OR ANY PERSON DEPUTIZED BY HIM OR HER, IN ADDITION TO OR IN LIEU OF REVOKING OR SUSPENDING THE CERTIFICATE OF REGISTRATION OF A REGISTRANT IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, MAY, IN ANY ONE PROCEEDING, BY ORDER, REQUIRE THE REGISTRANT TO PAY TO THE PEOPLE OF THE STATE A CIVIL PENALTY IN A SUM NOT EXCEEDING ONE THOUSAND DOLLARS FOR EACH VIOLATION AS PROVIDED IN SECTION TWO HUNDRED SIXTEEN OF THIS ARTICLE; PROVIDED, HOWEVER, THAT, IF A FINDING OF FINANCIAL LOSS HAS BEEN MADE PURSUANT TO SUBDIVISION THREE OF THIS SECTION, THE AMOUNT OF SUCH PENALTY MAY BE INCREASED BY THE AMOUNT OF FINANCIAL LOSS SO FOUND; PROVIDED HOWEVER, FURTHER THAT, IF SUCH REGISTRANT FAILS TO PAY SUCH FINANCIAL LOSS SO FOUND OR UPON THE FAILURE OF SUCH REGISTRANT TO PAY SUCH CIVIL PENALTY WITHIN THIRTY DAYS AFTER THE MAILING OF SUCH ORDER, POSTAGE PREPAID, REGISTERED OR CERTIFIED, AND ADDRESSED TO THE LAST KNOWN PLACE OF BUSINESS OF SUCH REGISTRANT, UNLESS SUCH ORDER IS STAYED BY AN ORDER OF A COURT OF COMPETENT JURISDICTION, THE COMMISSIONER MAY REVOKE THE CERTIFICATE OF REGISTRATION OF SUCH REGISTRANT OR MAY SUSPEND THE SAME FOR A PERIOD OF NO LONGER THAN SIX MONTHS. CIVIL PENALTIES ASSESSED UNDER THIS SECTION SHALL BE PAID TO THE COMMISSIONER FOR DEPOSIT INTO THE STATE TREASURY, AND UNPAID CIVIL PENALTIES MAY BE RECOVERED BY THE COMMISSIONER IN A CIVIL ACTION IN THE NAME OF THE COMMISSIONER.

2. IN ADDITION, AS AN ALTERNATIVE TO SUCH CIVIL ACTION AND PROVIDED THAT NO PROCEEDING FOR JUDICIAL REVIEW IS THEN PENDING AND THE TIME FOR INITIATION OF SUCH PROCEEDING HAS EXPIRED, AND FURTHER PROVIDED THAT ANY OPPORTUNITIES FOR ADMINISTRATIVE HEARINGS AND APPEALS THEREOF PROVIDED FOR IN THIS ARTICLE HAVE BEEN EXHAUSTED, THE COMMISSIONER MAY FILE WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THE REGISTRANT IS LOCATED A

FINAL ORDER OF THE COMMISSIONER CONTAINING THE AMOUNT OF THE PENALTY ASSESSED. THE FILING OF SUCH FINAL ORDER SHALL HAVE THE FULL FORCE AND EFFECT OF A JUDGMENT DULY DOCKETED IN THE OFFICE OF SUCH CLERK AND MAY BE ENFORCED IN THE SAME MANNER AND WITH THE SAME EFFECT AS THAT PROVIDED BY LAW WITH RESPECT TO EXECUTIONS ISSUED AGAINST PROPERTY UPON JUDGMENTS OF A COURT OF RECORD.

3. (A) UPON A DETERMINATION THAT A REGISTRANT HAS DONE OR FAILED TO DO ANY ACT FOR WHICH SUSPENSION OR REVOCATION OF THE REGISTRANT'S REGISTRATION OR A CIVIL PENALTY AGAINST THE REGISTRANT COULD BE IMPOSED, THE PERSON MAKING SUCH DETERMINATION MAY MAKE A FINDING OF FINANCIAL LOSS TO ANY COMPLAINANT OR COMPLAINANTS RESULTING FROM THE ACTIONS OR OMISSIONS OF THE REGISTRANT. THE PERSON MAKING SUCH FINDING MAY PROVIDE THAT IF THE REGISTRANT MAKES RESTITUTION TO THE COMPLAINANT OR COMPLAINANTS FOR THE AMOUNT OR AMOUNTS SO FOUND, THEN PAYMENT OF SUCH RESTITUTION MAY BE SUBSTITUTED IN LIEU OF ANY SUSPENSION, REVOCATION, OR CIVIL PENALTY, OR A SPECIFIED PORTION OF SUCH CIVIL PENALTY IMPOSED UPON THE REGISTRANT. A FINDING OF FINANCIAL LOSS MAY ONLY BE MADE IF THE COMPLAINANT:

(I) AGREES TO ACCEPT THE AMOUNT SO FOUND, IF OFFERED BY THE REGISTRANT, AND

(II) IS NOT A PARTY TO ANY LITIGATION WHICH IS PENDING OR WHICH HAS GONE TO JUDGMENT IN RELATION TO THE SAME MATTER IN ANY CIVIL COURT.

(B) THE AMOUNT OF FINANCIAL LOSS WHICH MAY BE FOUND AND PROPOSED AS RESTITUTION SHALL BE LIMITED TO AN AMOUNT NECESSARY TO COMPENSATE THE COMPLAINANT OR COMPLAINANTS FOR ACTUAL LOSSES CAUSED BY THE REGISTRANT'S IMPROPER ACTIVITY OR OMISSION. NEITHER PUNITIVE NOR INCIDENTAL DAMAGES MAY BE INCLUDED IN THE FINDING OF FINANCIAL LOSS.

4. IF PAYMENT OF RESTITUTION TO THE COMPLAINANT IS AUTHORIZED IN LIEU OF A SUSPENSION, REVOCATION, OR ALL OR A PORTION OF A CIVIL PENALTY, FOR THE REGISTRANT TO EXERCISE THE OPTION TO MAKE SUCH PAYMENT, SUCH PAYMENT MUST BE MADE BY MEANS OF A CERTIFIED CHECK OR MONEY ORDER PAYABLE TO THE COMPLAINANT OR COMPLAINANTS DELIVERED TO AN OFFICE OF THE DEPARTMENT AS DIRECTED BY THE COMMISSIONER OR HIS OR HER AGENT WITHIN THIRTY DAYS OF THE DATE OF NOTICE OF SUSPENSION, REVOCATION, OR CIVIL PENALTY. UPON RECEIPT OF SUCH CERTIFIED CHECK OR MONEY ORDER, THE DEPARTMENT SHALL FORWARD THE SAME TO THE COMPLAINANT OR COMPLAINANTS.

5. IF PAYMENT OF RESTITUTION MAY BE SUBSTITUTED IN LIEU OF A CIVIL PENALTY OR PORTION OF A CIVIL PENALTY, AND THE REGISTRANT DOES NOT EXERCISE THE OPTION TO MAKE SUCH PAYMENT, THE CIVIL PENALTY SHALL BECOME DUE AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION RELATING TO SUSPENSION OF REGISTRATION, AND THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION RELATING TO THE RECOVERY OF CIVIL PENALTIES SHALL APPLY.

S 216-C. UNREGISTERED OPERATION; OPERATION WHILE SUSPENDED OR REVOKED; PROCEDURE AND PENALTIES. 1. THE COMMISSIONER OR ANY PERSON DEPUTIZED BY HIM OR HER SHALL HEAR AND DETERMINE ANY ALLEGATION THAT A PERSON HAS OPERATED AS A RENTAL VEHICLE COMPANY WITHOUT BEING REGISTERED AS REQUIRED BY SECTION TWO HUNDRED TWELVE OF THIS ARTICLE OR WHILE SUCH REGISTRATION IS SUSPENDED OR REVOKED. UPON A DETERMINATION THAT A PERSON HAS SO OPERATED, THE COMMISSIONER OR PERSON DEPUTIZED BY HIM OR HER SHALL ASSESS CIVIL PENALTIES AS PROVIDED IN SUBDIVISIONS TWO AND THREE OF THIS SECTION.

2. EXCEPT AS PROVIDED IN PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION, ANY PERSON WHO OPERATES AS A RENTAL VEHICLE COMPANY WITHOUT BEING REGISTERED SHALL BE REQUIRED TO PAY TO THE PEOPLE OF THIS STATE A CIVIL PENALTY IN THE SUM OF ONE THOUSAND DOLLARS. ANY SUCH PERSON AGAINST WHOM SUCH PENALTY HAS BEEN ASSESSED MAY, HOWEVER, AVOID ALL BUT FIVE HUNDRED DOLLARS OF SUCH PENALTY BY OBTAINING A REGISTRATION AS

REQUIRED BY THIS ARTICLE; PROVIDED THAT APPLICATION FOR SUCH REGISTRATION IS MADE NOT MORE THAN TEN DAYS AFTER THE IMPOSITION OF SUCH PENALTY.

3. (A) (I) ANY PERSON WHO OPERATES AS A RENTAL VEHICLE COMPANY WHILE HIS, HER, OR ITS REGISTRATION IS REVOKED OR SUSPENDED SHALL PAY TO THE PEOPLE OF THIS STATE A CIVIL PENALTY IN THE SUM OF ONE THOUSAND DOLLARS. SUCH CIVIL PENALTY MAY NOT BE AVOIDED.

(II) ANY PERSON WHO OPERATES AS A RENTAL VEHICLE COMPANY WHILE HIS, HER, OR ITS REGISTRATION IS REVOKED OR SUSPENDED WHO HAS PREVIOUSLY HAD A CIVIL PENALTY ASSESSED FOR OPERATING WHILE HIS, HER, OR ITS REGISTRATION WAS REVOKED OR SUSPENDED SHALL PAY TO THE PEOPLE OF THIS STATE A CIVIL PENALTY IN THE SUM OF TWO THOUSAND DOLLARS. SUCH CIVIL PENALTY MAY NOT BE AVOIDED.

(B) ANY PERSON WHO OPERATES AS A RENTAL VEHICLE COMPANY WITHOUT BEING REGISTERED AS REQUIRED BY SECTION TWO HUNDRED TWELVE OF THIS ARTICLE WHO HAS PREVIOUSLY HAD A CIVIL PENALTY ASSESSED FOR UNREGISTERED OPERATION SHALL PAY TO THE PEOPLE OF THIS STATE A CIVIL PENALTY IN THE SUM OF TWO THOUSAND DOLLARS. SUCH CIVIL PENALTY MAY NOT BE AVOIDED.

4. THE COMMISSIONER, OR ANY PERSON DEPUTIZED BY HIM OR HER, IN ADDITION TO IMPOSING A CIVIL PENALTY FOR UNREGISTERED OPERATION AS A RENTAL VEHICLE COMPANY, MAY, IN ANY ONE PROCEEDING, MAKE A DETERMINATION THAT THE UNREGISTERED RENTAL VEHICLE COMPANY HAS CAUSED A FINANCIAL LOSS TO A COMPLAINANT OR COMPLAINANTS AND MAY INCREASE THE PENALTY BY THE AMOUNT OF SUCH FINANCIAL LOSS. THE PERSON MAKING SUCH FINDING MAY PROVIDE THAT IF THE UNREGISTERED RENTAL VEHICLE COMPANY MAKES RESTITUTION TO THE COMPLAINANT OR COMPLAINANTS FOR THE AMOUNT OR AMOUNTS SO FOUND, THEN PAYMENT OF SUCH RESTITUTION MAY BE SUBSTITUTED FOR THE INCREASE IN THE PENALTY CAUSED BY THE FINDING OF FINANCIAL LOSS. A FINDING OF FINANCIAL LOSS MAY ONLY BE MADE IF THE COMPLAINANT:

(A) AGREES TO ACCEPT THE AMOUNT SO FOUND, IF OFFERED BY THE UNREGISTERED RENTAL VEHICLE COMPANY, AND

(B) IS NOT A PARTY TO ANY LITIGATION WHICH IS PENDING OR IN WHICH JUDGMENT HAS BEEN ENTERED IN ANY CIVIL ACTION IN ANY COURT OF COMPETENT JURISDICTION.

5. CIVIL PENALTIES ASSESSED UNDER THIS SECTION SHALL BE PAID TO THE COMMISSIONER FOR DEPOSIT INTO THE STATE TREASURY, AND UNPAID CIVIL PENALTIES MAY BE RECOVERED BY THE COMMISSIONER IN A CIVIL ACTION IN THE NAME OF THE COMMISSIONER. IN ADDITION, AS AN ALTERNATIVE TO SUCH CIVIL ACTION AND PROVIDED THAT NO PROCEEDING FOR JUDICIAL REVIEW IS THEN PENDING AND THE TIME FOR INITIATION OF SUCH PROCEEDING HAS EXPIRED, AND FURTHER PROVIDED THAT ANY OPPORTUNITIES FOR ADMINISTRATIVE HEARINGS AND APPEALS THEREOF HAVE BEEN EXHAUSTED, THE COMMISSIONER MAY FILE WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THE REGISTRANT OR UNREGISTERED PERSON IS LOCATED A FINAL ORDER OF THE COMMISSIONER CONTAINING THE AMOUNT OF THE PENALTY ASSESSED. THE FILING OF SUCH FINAL ORDER SHALL HAVE THE FULL FORCE AND EFFECT OF A JUDGMENT DULY DOCKETED IN THE OFFICE OF SUCH CLERK AND MAY BE ENFORCED IN THE SAME MANNER AND WITH THE SAME EFFECT AS THAT PROVIDED BY LAW IN RESPECT TO EXECUTIONS ISSUED AGAINST PROPERTY UPON JUDGMENTS OF A COURT OF RECORD.

S 216-D. ADMINISTRATIVE REVIEW. 1. APPEALS BOARD. THE COMMISSIONER SHALL APPOINT THREE OR MORE APPEALS OFFICERS, TO SERVE AT HIS OR HER PLEASURE, AND SHALL SELECT A CHAIRPERSON FOR EACH APPEALS BOARD FROM THE MEMBERS SO APPOINTED. APPEALS OFFICERS WHO ARE NOT FULL TIME EMPLOYEES OF THE DEPARTMENT SHALL BE ATTORNEYS ADMITTED TO PRACTICE IN NEW YORK STATE. THE COMMISSIONER SHALL ASSIGN AT LEAST THREE APPEALS OFFICERS TO SERVE ON EACH APPEALS BOARD ESTABLISHED TO HEAR APPEALS PURSUANT TO THIS

SECTION. ANY APPEALS OFFICER WHO IS NOT A FULL TIME EMPLOYEE OF THE DEPARTMENT SHALL RECEIVE A PER DIEM AT A RATE TO BE FIXED BY THE COMMISSIONER, WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET, FOR EACH DAY HE OR SHE SERVES ON AN APPEALS BOARD, IN ADDITION TO ALL NECESSARY EXPENSES. THE COMMISSIONER SHALL ALSO DESIGNATE SUCH OTHER MEMBERS OF THE DEPARTMENT AS MAY BE NECESSARY TO ASSIST AN APPEALS BOARD IN CARRYING OUT ITS ASSIGNED FUNCTIONS.

2. RIGHT OF APPEAL. (A) ANY PERSON WHO IS AGGRIEVED BY A DETERMINATION OF A HEARING OFFICER PURSUANT TO THIS ARTICLE MAY APPEAL SUCH DETERMINATION PURSUANT TO THE PROVISIONS OF THIS SECTION.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, A TRANSCRIPT OF THE HEARING RESULTING IN THE DETERMINATION APPEALED FROM MUST BE SUBMITTED ON ANY SUCH APPEAL.

(C) IF THE ONLY ISSUE RAISED ON APPEAL IS THE APPROPRIATENESS OF THE PENALTY IMPOSED, THE APPELLANT, IN HIS OR HER DISCRETION, MAY SUBMIT SUCH APPEAL WITHOUT A TRANSCRIPT OF THE HEARING. IN SUCH EVENT, THE DECISION OF THE APPEALS BOARD MAY BE BASED SOLELY ON THE APPEAL PAPERS AND THE RECORDS OF THE DEPARTMENT, AND SUCH DECISION SHALL NOT BE SUBJECT TO JUDICIAL REVIEW.

(D) WHERE A TRANSCRIPT OF THE HEARING IS SUBMITTED AT THE TIME AN APPEAL IS FILED, THE DETERMINATION OF THE APPEALS BOARD SHALL BE SUBJECT TO JUDICIAL REVIEW AS PRESCRIBED IN SUBDIVISION NINE OF THIS SECTION.

3. APPEALS BOARDS. EACH APPEAL FILED PURSUANT TO THIS SECTION SHALL BE REVIEWED BY AN APPEALS BOARD, WHICH SHALL MAKE A DETERMINATION OF SUCH APPEAL AND SHALL CAUSE AN APPROPRIATE ORDER TO BE ENTERED IN THE RECORDS OF THE DEPARTMENT.

4. TIME LIMITATIONS. NO APPEAL SHALL BE REVIEWED IF IT IS FILED MORE THAN THIRTY DAYS AFTER NOTICE WAS GIVEN OF THE DETERMINATION APPEALED FROM.

5. APPEAL PROCEDURES. ANY PERSON DESIRING TO FILE AN APPEAL FROM AN ADVERSE DETERMINATION PURSUANT TO THIS SECTION, SHALL DO SO IN A FORM AND MANNER PROVIDED BY THE COMMISSIONER. THE TRANSCRIPT OF ANY HEARING WHICH FORMED THE BASIS FOR SUCH DETERMINATION SHALL BE REVIEWED ONLY IF IT IS SUBMITTED BY THE APPELLANT. AN APPEAL SHALL NOT BE DEEMED TO BE FINALLY SUBMITTED UNTIL THE APPELLANT HAS SUBMITTED ALL FORMS OR DOCUMENTS REQUIRED TO BE SUBMITTED BY THE COMMISSIONER OR THIS SECTION.

6. TRANSCRIPT OF HEARINGS. TRANSCRIPTS OF THE RECORD OF ANY HEARING MAY BE OBTAINED AT THE COST TO THE DEPARTMENT, IF PREPARED BY THE DEPARTMENT, OR AT THE RATE SPECIFIED IN THE CONTRACT BETWEEN THE DEPARTMENT AND THE CONTRACTOR, IF PREPARED BY A PRIVATE CONTRACTOR. THE AMOUNT PAID AS SUCH COST OR AT SUCH RATE BY A PERSON CONVICTED WHO SUBMITS, UPON AN APPEAL FROM THE DETERMINATION OF GUILT, OR UPON SUCH APPEAL AND UPON A REVIEW PURSUANT TO THE PROVISIONS OF ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES, A TRANSCRIPT OF THE HEARING OR HEARINGS WHICH RESULTED IN SUCH DETERMINATION, SHALL BE REFUNDED BY THE DEPARTMENT UPON A FINAL DETERMINATION BY THE APPEALS BOARD, DISMISSING THE CHARGES, OR IF THE CHARGES WERE SUSTAINED BY THE APPEALS BOARD, UPON A FINAL DETERMINATION BY THE COURT, DISMISSING THE CHARGES.

7. FEES. THE FEE FOR FILING AN APPEAL SHALL BE TEN DOLLARS. NO APPEAL SHALL BE ACCEPTED UNLESS THE REQUIRED FEE HAS BEEN PAID.

8. STAYS PENDING APPEAL. WHENEVER A DETERMINATION HAS NOT BEEN MADE WITHIN THIRTY DAYS AFTER AN APPEAL HAS BEEN FINALLY SUBMITTED, A STAY OF EXECUTION WILL BE DEEMED GRANTED BY OPERATION OF LAW, AND THE LICENSE, CERTIFICATE, PERMIT, OR PRIVILEGE AFFECTED WILL BE AUTOMATICALLY RESTORED PENDING FINAL DETERMINATION.

9. JUDICIAL REVIEW. (A) NO DETERMINATION OF A HEARING OFFICER WHICH IS APPEALABLE UNDER THE PROVISIONS OF THIS SECTION SHALL BE REVIEWED IN ANY COURT UNLESS AN APPEAL HAS BEEN FILED AND DETERMINED IN ACCORDANCE WITH THIS SECTION.

(B) A DETERMINATION OF THE APPEALS BOARD IN ANY CASE WHERE A TRANSCRIPT OF THE HEARING HAS BEEN SUBMITTED SHALL BE SUBJECT TO REVIEW PURSUANT TO THE PROVISIONS OF ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES; PROVIDED, HOWEVER, THAT A STATEMENT BY THE HEARING OFFICER AT THE CONCLUSION OF THE HEARING INDICATING THAT THE CHARGES HAVE BEEN SUSTAINED AND ANNOUNCING THE PENALTY IMPOSED, TOGETHER WITH A SUMMARY OF THE REASONS THE APPEAL WAS DENIED BY THE APPEALS BOARD, SHALL CONSTITUTE SUFFICIENT FINDINGS FOR THE PURPOSE OF SUCH REVIEW.

S 216-E. IMPROPER DISPLAY OF REGISTRATION SIGN. 1. THE HOLDER OF A RENTAL VEHICLE COMPANY REGISTRATION WHOSE REGISTRATION IS REVOKED OR SUSPENDED OR WHOSE RENTAL VEHICLE COMPANY IS OUT OF BUSINESS SHALL REMOVE OR CAUSE TO BE REMOVED ANY SIGN WHICH CONTAINS THE REGISTRATION NUMBER OF THE RENTAL VEHICLE COMPANY WHICH IS VISIBLE TO THE PUBLIC AND WHICH IS REQUIRED TO BE DISPLAYED BY THIS ARTICLE OR REGULATIONS PROMULGATED PURSUANT TO THIS ARTICLE. IF THE REGISTRATION IS ONLY SUSPENDED, THE HOLDER MAY COVER UP THE SIGN INSTEAD OF REMOVING IT.

2. NO PERSON SHALL PERMIT THE DISPLAY OF ANY SIGN REQUIRED TO BE DISPLAYED BY THIS ARTICLE OR REGULATIONS PROMULGATED PURSUANT TO THIS ARTICLE INDICATING TO THE PUBLIC THAT AN OFFICIAL RENTAL VEHICLE COMPANY IS OPERATING UNLESS A RENTAL VEHICLE COMPANY REGISTRATION HAS BEEN ISSUED TO THAT PERSON AND IS CURRENTLY VALID.

S 216-F. DISCRIMINATION PROHIBITED. 1. (A) IT IS UNLAWFUL FOR ANY RENTAL VEHICLE COMPANY TO ENGAGE IN ANY OF THE FOLLOWING PRACTICES ON THE BASIS OF THE RACE, CREED, RELIGION, COLOR, ETHNIC ORIGIN, SEX, SEXUAL ORIENTATION, MARITAL STATUS, OR DISABILITY OF THE PERSON ATTEMPTING TO ENTER INTO SUCH RENTAL AGREEMENT:

(I) REFUSE TO RENT SUCH VEHICLE;

(II) IMPOSE ANY ADDITIONAL CHARGE FOR THE RENTAL OF SUCH MOTOR VEHICLE; OR

(III) IMPOSE ANY ADDITIONAL TERMS, CONDITIONS, OR PRIVILEGES UPON THE RENTAL OF SUCH VEHICLE.

(B) NOTWITHSTANDING ANY CHARGES AUTHORIZED BY PARAGRAPH (B) OF SUBDIVISION EIGHT OF SECTION TWO HUNDRED SIXTEEN-G OF THIS ARTICLE, IT IS UNLAWFUL FOR ANY RENTAL VEHICLE COMPANY, IN RESPONSE TO A REQUEST FROM A PERSON WITH A DISABILITY, TO FAIL TO MAKE ANY REASONABLE EFFORT TO PROVIDE SUCH PERSON, FREE OF CHARGE, WITH ANY ACCESSORIES NECESSARY FOR SUCH PERSON TO OPERATE SUCH VEHICLE. FOR PURPOSES OF THIS SUBDIVISION, A REASONABLE EFFORT IS ANY EFFORT THAT DOES NOT INCUR AN UNDULY BURDENSOME EXPENSE.

2. IT IS UNLAWFUL FOR ANY RENTAL VEHICLE COMPANY TO ENGAGE IN ANY OF THE FOLLOWING PRACTICES ON THE BASIS OF THE AGE OF THE PERSON ATTEMPTING TO ENTER INTO SUCH RENTAL AGREEMENT, INCLUDING ON THE BASIS OF SUCH PERSON'S BEING EITHER OVER THE AGE OF SIXTY OR UNDER THE AGE OF TWENTY-FIVE; PROVIDED THAT SUCH PERSON IS AT LEAST EIGHTEEN YEARS OF AGE AND THAT INSURANCE COVERAGE FOR PERSONS OF SUCH AGE IS AVAILABLE:

(A) REFUSE TO RENT SUCH VEHICLE;

(B) IMPOSE ANY ADDITIONAL CHARGE FOR THE RENTAL OF SUCH VEHICLE, EXCEPT THAT ANY ACTUAL EXTRA COST FOR INSURANCE RELATED TO THE AGE OF THE PERSON RENTING SUCH MOTOR VEHICLE MAY BE PASSED ON TO SUCH PERSON IN ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE SUPERINTENDENT OF INSURANCE PURSUANT TO SECTION THIRTY-FOUR HUNDRED FORTY OF THE INSURANCE LAW; OR

(C) IMPOSE ANY ADDITIONAL TERMS, CONDITIONS, OR PRIVILEGES UPON THE RENTAL OF SUCH VEHICLE.

3. (A) IT SHALL BE UNLAWFUL FOR ANY RENTAL VEHICLE COMPANY TO ENGAGE IN ANY OF THE FOLLOWING PRACTICES ON THE BASIS OF THE LACK OF OWNERSHIP OF A CREDIT CARD BY THE PERSON ATTEMPTING TO ENTER INTO SUCH RENTAL AGREEMENT:

(I) REFUSE TO RENT SUCH VEHICLE;

(II) IMPOSE ANY ADDITIONAL CHARGE FOR THE RENTAL OF SUCH MOTOR VEHICLE; OR

(III) IMPOSE ANY ADDITIONAL TERMS, CONDITIONS, OR PRIVILEGES UPON THE RENTAL OF SUCH VEHICLE, EXCEPT THAT ANY RENTAL VEHICLE COMPANY MAY REQUIRE A PERSON ATTEMPTING TO ENTER INTO A RENTAL AGREEMENT WITHOUT A CREDIT CARD TO SUBMIT A CASH DEPOSIT AS LIMITED BY SUBDIVISION FIVE OF SECTION TWO HUNDRED SIXTEEN-G OF THIS ARTICLE.

(B) ANY RENTAL VEHICLE COMPANY WHICH REQUIRES A PERSON ATTEMPTING TO ENTER INTO A RENTAL AGREEMENT WITHOUT A CREDIT CARD TO SATISFY CASH QUALIFICATION CRITERIA IN ORDER TO QUALIFY AS A CASH CUSTOMER SHALL:

(I) COMPLY WITH AN INTERNAL POLICY IN COMPLIANCE WITH THIS SUBDIVISION; AND

(II) PROVIDE PROMPT NOTICE TO EACH AUTHORIZED DRIVER REQUESTING A RESERVATION WITHOUT A CREDIT CARD THAT THE COMPANY MAY REQUIRE SUCH DRIVER TO SATISFY SUCH CASH QUALIFICATION CRITERIA, AND THAT A COPY OF THE COMPANY'S INTERNAL POLICY IS AVAILABLE UPON REQUEST. AS USED IN THIS SUBPARAGRAPH, "PROMPT NOTICE" MEANS IN THE SAME TELEPHONE CONVERSATION AS THE DRIVER'S REQUEST TO RESERVE THE MOTOR VEHICLE IF SUCH REQUEST IS MADE BY TELEPHONE, IN THE SAME IN PERSON CONVERSATION AS THE DRIVER'S REQUEST TO RESERVE THE MOTOR VEHICLE IF SUCH REQUEST IS MADE IN PERSON, AND BY A WRITTEN NOTICE IN PLAIN LANGUAGE MAILED ON THE SAME BUSINESS DAY OF THE DRIVER'S REQUEST TO RESERVE THE MOTOR VEHICLE IF SUCH REQUEST IS MADE IN WRITING.

(C) NOTHING IN THIS SUBDIVISION SHALL PRECLUDE A RENTAL VEHICLE COMPANY FROM MAKING AN INITIAL DETERMINATION TO REFUSE TO RENT TO AN AUTHORIZED DRIVER DUE TO HIS OR HER FAILURE TO SATISFY THE COMPANY'S CASH QUALIFICATION CRITERIA; PROVIDED THAT:

(I) SUCH REFUSAL IS BASED ON RELIABLE INFORMATION THAT SUCH DRIVER DID NOT SATISFY THE COMPANY'S CASH QUALIFICATION CRITERIA;

(II) SUCH REFUSAL WAS IN COMPLIANCE WITH THE COMPANY'S INTERNAL POLICY;

(III) SUCH DRIVER IS AFFORDED THE RIGHT TO REBUT SUCH DETERMINATION BY FURNISHING THE COMPANY WITH RELIABLE INFORMATION AND SUCH RIGHT AS DESCRIBED IN THE WRITTEN NOTICE OF DENIAL OR THE WRITTEN CONFIRMATION OF DENIAL, AS APPLICABLE, PRESCRIBED BY PARAGRAPHS (D) AND (E) OF THIS SUBDIVISION;

(IV) THE COMPANY MAKES A NEW DETERMINATION IN GOOD FAITH BASED ON SUCH NEW INFORMATION WITHIN ONE WEEK THEREAFTER; AND

(V) THE COMPANY IS OTHERWISE IN COMPLIANCE WITH PARAGRAPHS (D), (E), AND (F) OF THIS SUBDIVISION.

(D) IF THE AUTHORIZED DRIVER'S REQUEST TO RESERVE A MOTOR VEHICLE IS MADE FOUR OR MORE DAYS PRIOR TO THE REQUESTED HOUR OF DEPARTURE, SUCH COMPANY SHALL MAKE AN INITIAL DETERMINATION, AND, IN THE EVENT OF AN INITIAL DETERMINATION TO REFUSE TO RENT, INFORM SUCH DRIVER THROUGH A WRITTEN NOTICE OF DENIAL MAILED SEVEN DAYS AFTER THE REQUEST IS MADE OR THREE DAYS PRIOR TO THE SCHEDULED HOUR OF DEPARTURE, WHICHEVER IS EARLIER. SUCH WRITTEN NOTICE OF DENIAL SHALL STATE THE SOURCE OF THE INFORMATION WHICH FORMS THE BASIS FOR THE REFUSAL AND THE BASIS FOR SUCH REFUSAL AND IS ACCOMPANIED BY THE INTERNAL POLICY.

(E) IF THE AUTHORIZED DRIVER'S REQUEST TO RESERVE A MOTOR VEHICLE IS MADE THREE OR FEWER DAYS PRIOR TO THE REQUESTED HOUR OF DEPARTURE, SUCH COMPANY SHALL MAKE AN INITIAL DETERMINATION, AND, IN THE EVENT OF AN INITIAL DETERMINATION TO REFUSE TO RENT, PROVIDE ORAL NOTICE OF DENIAL WITHIN TWELVE HOURS OF THE REQUEST. SUCH ORAL NOTICE OF DENIAL SHALL BE FOLLOWED WITHIN TWENTY-FOUR HOURS THEREAFTER WITH A WRITTEN CONFIRMATION OF DENIAL WHICH STATES THE SOURCE OF THE INFORMATION WHICH FORMS THE BASIS FOR THE REFUSAL AND THE BASIS OF SUCH REFUSAL AND IS ACCOMPANIED BY A COPY OF THE INTERNAL POLICY.

(F) ANY COMPANY WHICH REFUSES TO RENT TO AN AUTHORIZED DRIVER DUE TO SUCH DRIVER'S FAILURE TO SATISFY THE COMPANY'S CASH QUALIFICATION CRITERIA SHALL MAINTAIN ALL INFORMATION RELEVANT TO THE COMPANY'S DETERMINATION FOR A PERIOD OF AT LEAST ONE YEAR AFTER SUCH REFUSAL. ANY COMPANY WHICH MAKES AN INITIAL DETERMINATION UNDER PARAGRAPH (C) OF THIS SUBDIVISION BUT REVERSES SUCH DETERMINATION BASED ON NEW INFORMATION SHALL MAINTAIN ALL INFORMATION RELEVANT TO THE COMPANY'S DETERMINATION, INCLUDING THE INFORMATION WHICH FORMED THE BASIS FOR THE REVERSAL, IN THE COMPANY'S RECORDS AND SHALL ADHERE TO SUCH REVERSAL FOR AT LEAST ONE YEAR OR THE PERIOD SUCH INFORMATION IS RELEVANT UNDER THE COMPANY'S INTERNAL POLICY, WHICHEVER IS LONGER. NOTHING IN THIS PARAGRAPH SHALL REQUIRE ANY RENTAL VEHICLE COMPANY TO MAINTAIN ANY INFORMATION IF THE DRIVER REQUESTS OR AUTHORIZES THAT SUCH INFORMATION BE DELETED FROM THE COMPANY'S RECORDS.

(G) AN AUTHORIZED DRIVER'S CASH QUALIFICATION SHALL BE CONSIDERED TO BE BASED ON RELIABLE INFORMATION UNDER SUBPARAGRAPH (I) OF PARAGRAPH (C) OF THIS SUBDIVISION IF THE INFORMATION WAS FURNISHED TO THE RENTAL VEHICLE COMPANY BY:

(I) THE AUTHORIZED DRIVER;

(II) THE PERSON WHO EXECUTES THE RENTAL AGREEMENT; OR

(III) A CONSUMER REPORTING AGENCY, AS DEFINED IN SECTION THREE HUNDRED EIGHTY-A OF THIS CHAPTER.

(H) ANY RENTAL VEHICLE COMPANY WHICH REFUSES TO RENT A MOTOR VEHICLE TO ANY AUTHORIZED DRIVER DUE TO SUCH DRIVER'S FAILURE TO SATISFY THE COMPANY'S CASH QUALIFICATION CRITERIA SHALL MAKE AVAILABLE AT ALL RENTAL LOCATIONS TO ANY PERSON, PROMPTLY UPON REQUEST, THE COMPANY'S INTERNAL POLICY, WHICH SHALL INCLUDE, AT A MINIMUM:

(I) THE STANDARDS USED BY THE COMPANY TO DENY RENTALS;

(II) THE TYPES OF RELIABLE INFORMATION WHICH, PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (C) OF THIS SUBDIVISION, THE COMPANY MAY USE TO MAKE AN INITIAL DETERMINATION AND WHICH, PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (C) OF THIS SUBDIVISION, THE AUTHORIZED DRIVER MAY USE TO REBUT THE COMPANY'S INITIAL DETERMINATION TO REFUSE TO RENT;

(III) A PLAIN LANGUAGE STATEMENT OF THE PROCEDURES THE AUTHORIZED DRIVER MUST UNDERTAKE TO REBUT AN INITIAL DETERMINATION TO REFUSE TO RENT, WHICH SHALL BE SUFFICIENT TO APPRISE A REASONABLE AUTHORIZED DRIVER HOW TO UNDERTAKE SUCH PROCEDURE AND WHICH SHALL INCLUDE A TELEPHONE NUMBER AND THE ADDRESS OF THE COMPANY LOCATION WHERE REBUTTALS MAY BE DIRECTED;

(IV) A PLAIN LANGUAGE DESCRIPTION OF THE PROVISIONS OF THIS SUBDIVISION;

(V) A STATEMENT THAT COMPLAINTS AS TO VIOLATIONS OF THIS SUBDIVISION MAY BE FILED WITH THE ATTORNEY GENERAL;

(VI) A DESCRIPTION OF THE RIGHT OF INJURED PERSONS TO BRING ACTIONS UNDER SECTION TWO HUNDRED SIXTEEN-I OF THIS ARTICLE; AND

(VII) A DESCRIPTION OF THE PENALTIES PROVIDED IN LAW FOR VIOLATIONS OF THIS ARTICLE.

(I) AS USED IN THIS SUBDIVISION, "INITIAL DETERMINATION" MEANS THE FIRST DECISION FOLLOWING A REQUEST TO RESERVE A MOTOR VEHICLE AS TO WHETHER OR NOT A RENTAL VEHICLE COMPANY WILL RENT TO AN AUTHORIZED DRIVER DUE TO SUCH DRIVER'S SATISFACTION OF THE COMPANY'S CASH QUALIFICATION CRITERIA, WHICH SHALL BE REBUTTABLE AS PROVIDED IN THIS SUBDIVISION.

4. IT IS UNLAWFUL FOR ANY RENTAL VEHICLE COMPANY TO ENGAGE IN ANY OF THE FOLLOWING PRACTICES ON THE BASIS OF THE GEOGRAPHICAL LOCATION OF THE RESIDENCE OF THE PERSON ATTEMPTING TO ENTER INTO SUCH RENTAL AGREEMENT:

(A) REFUSE TO RENT SUCH VEHICLE;

(B) IMPOSE ANY ADDITIONAL CHARGE FOR THE RENTAL OF SUCH MOTOR VEHICLE; OR

(C) IMPOSE ANY ADDITIONAL TERMS, CONDITIONS, OR PRIVILEGES UPON THE RENTAL OF SUCH VEHICLE.

5. (A) IT IS UNLAWFUL FOR ANY RENTAL VEHICLE COMPANY TO ENGAGE IN ANY OF THE FOLLOWING PRACTICES ON THE BASIS OF THE PAST DRIVING HISTORY OF THE PERSON ATTEMPTING TO ENTER INTO SUCH RENTAL AGREEMENT, UNLESS SUCH PRACTICES ARE IN COMPLIANCE WITH THIS SUBDIVISION:

(I) REFUSE TO RENT SUCH VEHICLE;

(II) IMPOSE ANY ADDITIONAL CHARGE FOR THE RENTAL OF SUCH MOTOR VEHICLE; OR

(III) IMPOSE ANY ADDITIONAL TERMS, CONDITIONS, OR PRIVILEGES UPON THE RENTAL OF SUCH VEHICLE.

(B) ANY RENTAL VEHICLE COMPANY WHICH ENGAGES IN ANY OF THE PRACTICES LISTED IN PARAGRAPH (A) OF THIS SUBDIVISION DUE TO, IN WHOLE OR IN PART, THE PAST DRIVING HISTORY OF SUCH DRIVER SHALL:

(I) COMPLY WITH AN INTERNAL POLICY IN COMPLIANCE WITH THIS SUBDIVISION; AND

(II) PROVIDE PROMPT NOTICE TO EACH AUTHORIZED DRIVER REQUESTING A RESERVATION THAT THE COMPANY CONSIDERS AN AUTHORIZED DRIVER'S PAST DRIVING HISTORY IN DECIDING WHETHER OR NOT TO RENT TO SUCH DRIVER AND IN THE ESTABLISHMENT OF RENTAL POLICIES AND THAT A COPY OF THE COMPANY'S INTERNAL POLICY IS AVAILABLE UPON REQUEST. AS USED IN THIS SUBPARAGRAPH, "PROMPT NOTICE" MEANS IN THE SAME TELEPHONE CONVERSATION AS THE DRIVER'S REQUEST TO RESERVE THE MOTOR VEHICLE IF SUCH REQUEST IS MADE BY TELEPHONE, IN THE SAME IN PERSON CONVERSATION AS THE DRIVER'S REQUEST TO RESERVE THE MOTOR VEHICLE IF SUCH REQUEST IS MADE IN PERSON, AND BY A WRITTEN NOTICE IN PLAIN LANGUAGE MAILED ON THE SAME BUSINESS DAY OF THE DRIVER'S REQUEST TO RESERVE THE MOTOR VEHICLE IF SUCH REQUEST IS MADE IN WRITING.

(C) NOTHING IN THIS SUBDIVISION SHALL PRECLUDE A RENTAL VEHICLE COMPANY FROM MAKING AN INITIAL DETERMINATION TO ENGAGE IN ANY OF THE PRACTICES LISTED IN PARAGRAPH (A) OF THIS SUBDIVISION DUE TO A DRIVER'S PAST DRIVING HISTORY BASED ON AN INITIAL PRESUMPTION THAT THE INTERNAL POLICY WAS VIOLATED; PROVIDED THAT:

(I) SUCH PRACTICE WAS BASED ON RELIABLE INFORMATION THAT SUCH DRIVER HAD AN ACCIDENT WHILE DRIVING A MOTOR VEHICLE OR ON RELIABLE INFORMATION THAT SUCH DRIVER VIOLATED ANY LAW OR REGULATION OF THIS OR ANY OTHER STATE PERTAINING TO MOTOR VEHICLES;

(II) SUCH PRACTICE WAS IN COMPLIANCE WITH THE COMPANY'S INTERNAL POLICY;

(III) SUCH DRIVER IS AFFORDED THE RIGHT TO REBUT SUCH DETERMINATION BY FURNISHING THE COMPANY WITH A POLICE REPORT, A CRIMINAL OR CIVIL DECISION BY A COURT OR ARBITRATOR, AN INSURANCE COMPANY DETERMINATION, OR OTHER SIMILAR, RELIABLE INFORMATION AND SUCH RIGHT IS DESCRIBED IN THE WRITTEN NOTICE OR THE WRITTEN CONFIRMATION, AS APPLICABLE, PRESCRIBED BY PARAGRAPHS (D) AND (E) OF THIS SUBDIVISION;

(IV) THE COMPANY MAKES A NEW DETERMINATION IN GOOD FAITH BASED ON SUCH NEW INFORMATION WITHIN ONE WEEK THEREAFTER; AND

(V) THE COMPANY IS OTHERWISE IN COMPLIANCE WITH PARAGRAPHS (D), (E), AND (F) OF THIS SUBDIVISION.

NOTHING IN THIS PARAGRAPH REQUIRES A COMPANY TO PERMIT A DRIVER TO REBUT AN INITIAL DETERMINATION BASED ON A CLAIM THAT A GOVERNMENTAL ENTITY WHICH FOUND THE DRIVER IN VIOLATION OF A MOTOR VEHICLE LAW OR REGULATION WAS INCORRECT IN ITS FINDING.

(D) IF THE AUTHORIZED DRIVER'S REQUEST TO RESERVE A MOTOR VEHICLE IS MADE FOUR OR MORE DAYS PRIOR TO THE REQUESTED HOUR OF DEPARTURE, SUCH COMPANY SHALL MAKE AN INITIAL DETERMINATION AND, IN THE EVENT OF AN INITIAL DETERMINATION TO ENGAGE IN ANY OF THE PRACTICES LISTED IN PARAGRAPH (A) OF THIS SUBDIVISION, INFORM SUCH DRIVER THROUGH A WRITTEN NOTICE MAILED SEVEN DAYS AFTER THE REQUEST IS MADE OR THREE DAYS PRIOR TO THE SCHEDULED HOUR OF DEPARTURE, WHICHEVER IS EARLIER. SUCH WRITTEN NOTICE SHALL STATE THE SOURCE OF THE INFORMATION WHICH FORMS THE BASIS FOR THE PRACTICE AND THE BASIS FOR SUCH PRACTICE AND BE ACCOMPANIED BY THE INTERNAL POLICY.

(E) IF THE AUTHORIZED DRIVER'S REQUEST TO RESERVE A MOTOR VEHICLE IS MADE THREE OR FEWER DAYS PRIOR TO THE REQUESTED HOUR OF DEPARTURE, SUCH COMPANY SHALL MAKE AN INITIAL DETERMINATION AND, IN THE EVENT OF AN INITIAL DETERMINATION TO ENGAGE IN ANY OF THE PRACTICES LISTED IN PARAGRAPH (A) OF THIS SUBDIVISION, PROVIDE ORAL NOTICE WITHIN TWELVE HOURS OF THE REQUEST. SUCH ORAL NOTICE SHALL BE FOLLOWED WITHIN TWENTY-FOUR HOURS THEREAFTER WITH A WRITTEN CONFIRMATION WHICH STATES THE SOURCE OF THE INFORMATION WHICH FORMS THE BASIS FOR THE PRACTICE AND THE BASIS OF SUCH PRACTICE AND IS ACCOMPANIED BY A COPY OF THE INTERNAL POLICY.

(F) ANY COMPANY WHICH ENGAGES IN ANY OF THE PRACTICES LISTED IN PARAGRAPH (A) OF THIS SUBDIVISION DUE TO PAST DRIVING HISTORY SHALL MAINTAIN ALL INFORMATION RELEVANT TO THE COMPANY'S DETERMINATION FOR A PERIOD OF AT LEAST ONE YEAR AFTER ENGAGING IN SUCH PRACTICE. ANY COMPANY WHICH MAKES AN INITIAL DETERMINATION UNDER PARAGRAPH (C) OF THIS SUBDIVISION BUT REVERSES SUCH DETERMINATION BASED ON NEW INFORMATION SHALL MAINTAIN ALL INFORMATION RELEVANT TO THE COMPANY'S DETERMINATION, INCLUDING THE INFORMATION WHICH FORMED THE BASIS FOR THE REVERSAL, IN THE COMPANY'S RECORDS AND ADHERE TO SUCH REVERSAL FOR AT LEAST ONE YEAR OR THE PERIOD SUCH INFORMATION IS RELEVANT UNDER THE COMPANY'S INTERNAL POLICY, WHICHEVER IS LONGER. NOTHING IN THIS PARAGRAPH REQUIRES ANY RENTAL VEHICLE COMPANY TO MAINTAIN ANY INFORMATION IF THE DRIVER REQUESTS OR AUTHORIZES THAT SUCH INFORMATION BE DELETED FROM THE COMPANY'S RECORDS.

(G) AN AUTHORIZED DRIVER'S PAST DRIVING HISTORY SHALL BE CONSIDERED TO BE BASED ON RELIABLE INFORMATION UNDER SUBPARAGRAPH (I) OF PARAGRAPH (C) OF THIS SUBDIVISION IF THE INFORMATION WAS FURNISHED TO THE RENTAL VEHICLE COMPANY BY:

(I) THE AUTHORIZED DRIVER;

(II) THE PERSON WHO EXECUTES THE RENTAL AGREEMENT; OR

(III) A GOVERNMENTAL ENTITY UNDER A LEGAL DUTY TO ACCURATELY COMPILE AND REPORT THE INFORMATION WHICH FORMS THE BASIS FOR THE PRACTICE.

(H) ANY RENTAL VEHICLE COMPANY WHICH ENGAGES IN ANY OF THE PRACTICES LISTED IN PARAGRAPH (A) OF THIS SUBDIVISION DUE TO, IN WHOLE OR IN PART, THE PAST DRIVING HISTORY OF SUCH DRIVER SHALL MAKE AVAILABLE AT ALL RENTAL LOCATIONS TO ANY PERSON, PROMPTLY UPON REQUEST, THE COMPANY'S INTERNAL POLICY, WHICH SHALL INCLUDE, AT A MINIMUM:

(I) THE STANDARDS USED BY THE COMPANY TO ENGAGE IN SUCH PRACTICES;

(II) THE TYPES OF RELIABLE INFORMATION WHICH, PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (C) OF THIS SUBDIVISION, THE COMPANY MAY USE TO MAKE AN

INITIAL DETERMINATION AND WHICH, PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (C) OF THIS SUBDIVISION, THE AUTHORIZED DRIVER MAY REBUT THE COMPANY'S INITIAL DETERMINATION TO ENGAGE IN SUCH PRACTICES;

(III) A PLAIN LANGUAGE STATEMENT OF THE PROCEDURES THE AUTHORIZED DRIVER MUST UNDERTAKE TO REBUT A COMPANY'S INITIAL DETERMINATION TO ENGAGE IN SUCH PRACTICES, WHICH SHALL BE SUFFICIENT TO APPRISE A REASONABLE AUTHORIZED DRIVER HOW TO UNDERTAKE SUCH PROCEDURE AND WHICH SHALL INCLUDE A TELEPHONE NUMBER AND THE ADDRESS OF THE COMPANY LOCATION WHERE REBUTTALS MAY BE DIRECTED;

(IV) A PLAIN LANGUAGE DESCRIPTION OF THE PROVISIONS OF THIS SUBDIVISION;

(V) A STATEMENT THAT COMPLAINTS AS TO VIOLATIONS OF THIS SUBDIVISION MAY BE FILED WITH THE ATTORNEY GENERAL;

(VI) A DESCRIPTION OF THE RIGHT OF INJURED PERSONS TO BRING ACTIONS UNDER SECTION TWO HUNDRED SIXTEEN-I OF THIS ARTICLE; AND

(VII) A DESCRIPTION OF THE PENALTIES PROVIDED IN LAW FOR VIOLATIONS OF THIS ARTICLE.

(I) NOTWITHSTANDING ANY PROVISION OF THIS SUBDIVISION, IT IS UNLAWFUL FOR ANY RENTAL VEHICLE COMPANY TO ENGAGE IN ANY OF THE PRACTICES LISTED IN PARAGRAPH (A) OF THIS SUBDIVISION DUE TO, IN WHOLE OR IN PART, ANY PRIOR ACCIDENT WHILE DRIVING A MOTOR VEHICLE OR ANY VIOLATION OF ANY LAW OR REGULATION OF THIS OR ANY OTHER STATE PERTAINING TO MOTOR VEHICLES WHICH OCCURRED MORE THAN FOUR YEARS PRIOR TO THE DATE OF THE DRIVER'S REQUEST TO RENT THE MOTOR VEHICLE.

(J) AS USED IN THIS SUBDIVISION, "INITIAL DETERMINATION" MEANS THE FIRST DECISION FOLLOWING A REQUEST TO RESERVE A MOTOR VEHICLE AS TO WHETHER OR NOT A RENTAL VEHICLE COMPANY WILL ENGAGE IN ANY OF THE PRACTICES LISTED IN PARAGRAPH (A) OF THIS SUBDIVISION DUE TO THE PAST DRIVING HISTORY OF SUCH DRIVER, WHICH SHALL BE REBUTTABLE AS PROVIDED IN THIS SUBDIVISION.

S 216-G. OTHER RENTAL VEHICLE PROTECTIONS. 1. NO RENTAL VEHICLE COMPANY SHALL, IN RENTAL AGREEMENTS NOT EXCEEDING THIRTY CONTINUOUS DAYS, HOLD AN AUTHORIZED DRIVER LIABLE FOR ACTUAL DAMAGE TO, OR LOSS OF, SUCH RENTAL VEHICLE (INCLUDING LOSS OF USE), EXCEPT WHERE:

(A) THE DAMAGE OR LOSS IS CAUSED INTENTIONALLY BY AN AUTHORIZED DRIVER OR THE DAMAGE OR LOSS ARISES OUT OF AN AUTHORIZED DRIVER'S WILLFUL AND WANTON MISCONDUCT;

(B) THE DAMAGE OR LOSS ARISES OUT OF AN AUTHORIZED DRIVER'S OPERATION OF THE MOTOR VEHICLE WHILE INTOXICATED BY ALCOHOL OR IMPAIRED BY THE USE OF DRUGS WITHIN THE MEANING OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW;

(C) THE DAMAGE OR LOSS ARISES OUT OF AN AUTHORIZED DRIVER'S PARTICIPATION IN ANY ORGANIZED SPEED RACING COMPETITION;

(D) THE DAMAGE OR LOSS ARISES OUT OF THE USE OF THE VEHICLE WHEN CARRYING PERSONS OR PROPERTY FOR HIRE;

(E) THE DAMAGE OR LOSS ARISES OUT OF THE USE OF THE VEHICLE WHILE AN AUTHORIZED DRIVER IS COMMITTING A FELONY OR OTHERWISE ENGAGED IN A CRIMINAL ACT IN WHICH THE DAMAGE OR LOSS OF SUCH VEHICLE IS CAUSED BY SUCH CRIMINAL ACTIVITY; OR

(F) THE AUTHORIZED DRIVER FAILS TO FURNISH THE RENTAL VEHICLE COMPANY WITH A REPORT OF AN ACCIDENT AND THE RENTAL VEHICLE COMPANY COMPLIES WITH THE FOLLOWING PROCEDURE:

(I) AT RETURN OF THE VEHICLE, AT THE TERMINATION OF A RENTAL AGREEMENT, OR WITHIN TEN DAYS IF RETURNED BY AUTOMATION OR AFTER-HOURS, THE RENTAL VEHICLE COMPANY SHALL FURNISH AN ACCIDENT REPORT FORM AND A

NOTICE, PURSUANT TO THIS PARAGRAPH, OF THE AUTHORIZED DRIVER'S OBLIGATION TO COMPLETE THE ACCIDENT REPORT FORM.

(II) IF THE AUTHORIZED DRIVER DECLINES OR FAILS TO COMPLETE THE ACCIDENT REPORT FORM, THE RENTAL VEHICLE COMPANY SHALL MAIL WITHIN TEN DAYS A NOTICE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND BY REGULAR MAIL, WITH PROOF OF MAILING BY PRODUCTION OF A CERTIFICATE OF MAILING FROM THE POST OFFICE, ALONG WITH ANOTHER ACCIDENT REPORT FORM, TOGETHER WITH A LETTER STATING THAT THE AUTHORIZED DRIVER DECLINED OR OTHERWISE FAILED TO COMPLETE THE ACCIDENT REPORT FORM AND WILL BE HELD LIABLE FOR DAMAGES TO THE RENTAL VEHICLE FOR FAILING TO COMPLETE THE ACCIDENT REPORT FORM.

(III) ALL NOTICES SHALL BE MAILED TO THE AUTHORIZED DRIVER'S ADDRESS STATED ON HIS OR HER LICENSE OR TO ANOTHER ADDRESS DESIGNATED BY HIM OR HER.

(IV) THE NOTICE AS REQUIRED BY THIS PARAGRAPH SHALL BE IN AT LEAST TWELVE POINT BOLD FACE TYPE AND SHALL CONTAIN THE STATEMENT "FAILURE TO FILL OUT AN ACCIDENT REPORT FORM WITHIN FIFTEEN DAYS WILL MAKE THE AUTHORIZED DRIVER LIABLE FOR DAMAGES SUSTAINED TO THE RENTAL VEHICLE".

(V) PROVIDED, FURTHER, THIRTY DAYS PRIOR TO COMMENCING AN ACTION AGAINST THE AUTHORIZED DRIVER, THE RENTAL VEHICLE COMPANY MUST PROVIDE THE AUTHORIZED DRIVER WITH AN ADDITIONAL OPPORTUNITY TO REPORT THE ACCIDENT BY PROVIDING A FURTHER NOTICE ALONG WITH ANOTHER ACCIDENT REPORT FORM, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND BY REGULAR MAIL, WITH PROOF OF MAILING BY PRODUCTION OF A CERTIFICATE OF MAILING; AND THE RENTAL VEHICLE COMPANY SHALL NOT HOLD AN AUTHORIZED DRIVER LIABLE UNDER THIS PARAGRAPH IF THE AUTHORIZED DRIVER PROVIDES THE RENTAL VEHICLE COMPANY WITH A COMPLETED ACCIDENT REPORT FORM WITHIN FIFTEEN DAYS OF THE RECEIPT OF THE NOTICE.

2. (A) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION AND SUBJECT TO THE PROVISIONS OF SUBDIVISION FOUR OF THIS SECTION, A RENTAL VEHICLE COMPANY MAY HOLD AN AUTHORIZED DRIVER LIABLE FOR ACTUAL DAMAGE TO, OR LOSS OF, A RENTAL VEHICLE CAUSED BY SUCH AUTHORIZED DRIVER, UP TO A MAXIMUM OF ONE HUNDRED DOLLARS; PROVIDED THAT:

(I) ANY CLAIM FOR SUCH DAMAGE IS BASED ON A PHYSICAL SURVEY AND IS MADE UPON THE RETURN OF THE RENTAL VEHICLE, UNLESS RETURNED BY AUTOMATION OR AFTER-HOURS, WHICH PRECLUDES SUCH SURVEY, IN WHICH EVENT ANY CLAIM MUST BE MADE WITHIN TEN DAYS AFTER RETURN; AND

(II) ANY CHARGE FOR REPAIR OF SUCH DAMAGE IS LIMITED TO ACTUAL COSTS AND IS ASSESSED AND BILLED SEPARATELY AND APART FROM THE RENTAL AGREEMENT.

(B) FOR PURPOSES OF THIS SECTION, "RETURNED BY AUTOMATION" MEANS A RETURN ACKNOWLEDGED BY MACHINE RECEIPT AND WHERE THERE IS NO INTERACTION WITH RENTAL VEHICLE COMPANY PERSONNEL, AND "AFTER-HOURS" RETURN MEANS A RETURN AFTER NORMAL BUSINESS HOURS AND IN WHICH THE KEYS AND RENTAL AGREEMENT ARE DEPOSITED IN THE RENTAL VEHICLE COMPANY OFFICE.

3. NO RENTAL VEHICLE COMPANY SHALL DIRECTLY OR INDIRECTLY AGREE, FOR A CHARGE, TO WAIVE ANY CLAIMS AGAINST AN AUTHORIZED DRIVER FOR ANY DAMAGE TO, OR LOSS OF, THE RENTAL VEHICLE (INCLUDING LOSS OF USE) DURING THE TERM OF A RENTAL AGREEMENT NOT EXCEEDING THIRTY CONTINUOUS DAYS.

4. (A) IN THE EVENT OF DAMAGE TO A RENTAL VEHICLE FOR WHICH AN AUTHORIZED DRIVER IS RESPONSIBLE UNDER SUBDIVISION ONE OF THIS SECTION AND IS NOT COVERED BY AN AUTOMOBILE INSURANCE POLICY, THE RENTAL VEHICLE COMPANY SHALL CHARGE NO MORE THAN THE ACTUAL COST PAID BY THE RENTAL VEHICLE COMPANY IN REPAIRING SUCH VEHICLE; PROVIDED, HOWEVER, THAT, IF SUCH DAMAGED VEHICLE CANNOT BE REPAIRED BECAUSE PARTS NECESSARY TO EFFECT THE

REPAIR ARE NOT AVAILABLE WITHIN A REASONABLE PERIOD OF TIME, THE RENTAL VEHICLE COMPANY MAY CHARGE NO MORE THAN THE AMOUNT IN THE STANDARD MOTOR CRASH GUIDE OR SIMILAR INSURANCE INDUSTRY CRASH GUIDES.

(B) FOR THE PURPOSES OF THIS SECTION "ACTUAL COST":

(I) MEANS THE REPAIR PRICE, REDUCED BY ALL DISCOUNTS, PAID BY THE RENTAL VEHICLE COMPANY TO THE REPAIRER OF THE VEHICLE; AND

(II) MAY INCLUDE A REASONABLE FACTOR FOR LOSS OF USE, BASED UPON RATES APPLICABLE TO THE VEHICLE IN EFFECT AT THE TIME THE RENTAL AGREEMENT WAS EXECUTED ON THE BASIS OBTAINED BY THE AUTHORIZED DRIVER, TO REFLECT LOST RENTAL REVENUES, LESS EXPENSES AND DEPRECIATION, DUE TO LOSS OF USE OF THE DAMAGED VEHICLE THAT IS NOT A TOTAL LOSS, IN PROPORTION TO UTILIZATION RATE EXPERIENCES DOCUMENTED BY THE RENTAL VEHICLE COMPANY FOR SUCH TYPE OF VEHICLE.

(C) UPON WRITTEN REQUEST FROM THE AUTHORIZED DRIVER OR SUCH AUTHORIZED DRIVER'S REPRESENTATIVE, INCLUDING AN INSURER, THE RENTAL VEHICLE COMPANY AND ITS REPRESENTATIVE SHALL IDENTIFY THE REPAIRER OF, AND PROVIDE ACCESS TO, THE DAMAGED VEHICLE TO VERIFY THE NATURE AND EXTENT OF DAMAGES, REPAIRS, AND REPAIR COSTS, EXCEPT THAT THE RIGHT TO ACCESS PROVIDED IN THIS PARAGRAPH EXPIRES AFTER TEN BUSINESS DAYS FOLLOWING THE AUTHORIZED DRIVER'S RECEIPT OF NOTIFICATION FROM THE RENTAL VEHICLE COMPANY.

5. (A) NO RENTAL VEHICLE COMPANY MAY REQUIRE ANY SECURITY, DEPOSIT, OR CHARGE FOR DAMAGE IN ANY FORM, BY CREDIT CARD OR OTHERWISE, DURING THE TERM OF THE RENTAL AGREEMENT OR PENDING RESOLUTION OF ANY DISPUTE.

(B) ANY SECURITY OR DEPOSIT IMPOSED BY A RENTAL VEHICLE COMPANY, BY CASH, CREDIT CARD, OR OTHERWISE, USED AS SECURITY FOR THE PAYMENT OF THE RENTAL RATE, SHALL BE LIMITED TO ONE HUNDRED FIFTY PERCENT OF THE RENTAL RATE, MEASURED AS OF THE INCEPTION OF THE RENTAL AGREEMENT. NOTHING IN THIS PARAGRAPH AUTHORIZES ANY SECURITY, DEPOSIT, OR CHARGE PROHIBITED BY PARAGRAPH (A) OF THIS SUBDIVISION OR SUBDIVISION EIGHT OF THIS SECTION. FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "RENTAL RATE" INCLUDES ALL CHARGES, EXCEPT TAXES AND ANY MILEAGE CHARGE, WHICH THE AUTHORIZED DRIVER MUST PAY FOR THE USE OF THE RENTAL VEHICLE.

6. NO RENTAL VEHICLE COMPANY SHALL ADVERTISE, QUOTE, OR CHARGE A RENTAL RATE THAT DOES NOT INCLUDE ALL CHARGES, EXCEPT TAXES AND ANY MILEAGE CHARGE, WHICH AN AUTHORIZED DRIVER MUST PAY TO OBTAIN A RENTAL VEHICLE.

7. NO RENTAL VEHICLE COMPANY SHALL HOLD ANY AUTHORIZED DRIVER LIABLE FOR ANY DAMAGE TO, OR LOSS OF, A RENTAL VEHICLE (INCLUDING LOSS OF USE), AS PROVIDED BY THIS SECTION, UNLESS THE RENTAL VEHICLE COMPANY PROMINENTLY DISCLOSES, ON THE RENTAL AGREEMENT, IN AT LEAST TEN POINT BOLD FACE TYPE, THE NATURE AND EXTENT OF SUCH LIABILITY AND SUCH DRIVER'S RIGHTS AND RESPONSIBILITIES UNDER THIS SECTION.

8. (A) A RENTAL VEHICLE COMPANY SHALL NOT CHARGE IN ADDITION TO THE RENTAL RATE, TAXES, AND MILEAGE CHARGE, IF ANY, ANY FEE WHICH MUST BE PAID AS A CONDITION OF RENTING THE RENTAL VEHICLE, SUCH AS, BUT NOT LIMITED TO, REQUIRED FUEL OR AIRPORT SURCHARGES, NOR ANY FEE FOR TRANSPORTATION TO THE LOCATION WHERE THE RENTAL VEHICLE WILL BE DELIVERED.

(B) IN ADDITION TO THE RENTAL RATE, TAXES, AND MILEAGE CHARGE, IF ANY, A RENTAL VEHICLE COMPANY MAY CHARGE FOR AN ITEM OR SERVICE PROVIDED IN CONNECTION WITH A PARTICULAR RENTAL TRANSACTION IF THE RENTER COULD HAVE AVOIDED INCURRING THE CHARGE BY NOT CHOOSING TO OBTAIN OR UTILIZE THE OPTIONAL ITEM OR SERVICE, SUCH AS, BUT NOT LIMITED TO, OPTIONAL ACCESSORIES OR SERVICES REQUESTED BY THE RENTER, SERVICE CHARGES INCIDENTAL TO THE RENTER'S OPTIONAL RETURN OF THE VEHICLE TO A LOCATION OTHER THAN THE LOCATION WHERE THE VEHICLE WAS RENTED, AND CHARGES FOR REFUELING THE

VEHICLE WITH AS MUCH FUEL AS WAS IN THE FUEL TANK AT THE BEGINNING OF THE RENTAL.

(C) A RENTAL VEHICLE COMPANY SHALL MAKE AVAILABLE DETACHABLE OR REMOVABLE SEATS WHICH MEET THE REQUIREMENTS OF SUBDIVISION ONE OF SECTION TWELVE HUNDRED TWENTY-NINE-C OF THE VEHICLE AND TRAFFIC LAW.

(D) FEES FOR ADDITIONAL AUTHORIZED DRIVERS SHALL NOT EXCEED TWO DOLLARS AND FIFTY CENTS PER PERSON FOR THE FIRST RENTAL DAY AND ONE DOLLAR PER DAY THEREAFTER; PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE TOTAL CHARGE EXCEED FIVE DOLLARS PER ADDITIONAL DRIVER.

9. ANY RENTAL AGREEMENT OR OTHER CONTRACT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION IS VOID AS AGAINST PUBLIC POLICY.

10. AN AUTHORIZED DRIVER SHALL PROVIDE NOTICE TO THE RENTAL VEHICLE COMPANY OR LAW ENFORCEMENT AGENCY WITHIN FORTY-EIGHT HOURS OF LEARNING OF THE THEFT OF THE RENTAL VEHICLE.

S 216-H. DISPLAY OF RENTER PROTECTION SIGN. EVERY RENTAL VEHICLE COMPANY SHALL DISPLAY THE FOLLOWING INFORMATION IN A CONSPICUOUS LOCATION VISIBLE TO ANY POTENTIAL CUSTOMER, WITH LETTERING THAT IS LEGIBLE AND IS AT LEAST THREE-QUARTERS OF AN INCH IN BOLDFACE TYPE:

"NOTICE: NEW YORK STATE LAW PROHIBITS THE FOLLOWING PRACTICES BY RENTAL VEHICLE COMPANIES BASED UPON RACE, CREED, RELIGION, COLOR, ETHNIC ORIGIN, SEX, SEXUAL ORIENTATION, MARITAL STATUS, DISABILITY, AGE, LOCATION OF RENTER'S RESIDENCE, AND CREDIT CARD OWNERSHIP: (1) THE REFUSAL TO RENT; (2) THE IMPOSITION OF ANY ADDITIONAL CHARGE; AND (3) THE IMPOSITION OF ANY ADDITIONAL TERMS, CONDITIONS, OR PRIVILEGES UPON A RENTAL OF A VEHICLE. FURTHER, A RENTER'S LIABILITY FOR DAMAGES OR LOSS OF THE VEHICLE IS GENERALLY LIMITED TO ONE HUNDRED DOLLARS ($100). IN ADDITION, THE TOTAL CHARGE FOR EACH ADDITIONAL DRIVER MAY NOT EXCEED FIVE DOLLARS AND ANY REQUIRED DEPOSIT CAN NOT EXCEED 150% OF THE RENTAL AGREEMENT. FOR INFORMATION ABOUT RENTAL VEHICLE LAWS, OR TO FILE A COMPLAINT, CONTACT THE NEW YORK DEPARTMENT OF MOTOR VEHICLES AT (ADDRESS AND TELEPHONE NUMBER OF REGIONAL OFFICE OF THE DEPARTMENT OF MOTOR VEHICLES)."

S 216-I. PRIVATE RIGHT OF ACTION. IN ADDITION TO ANY ACTION GRANTED TO THE COMMISSIONER PURSUANT TO THIS ARTICLE, ANY PERSON WHO HAS BEEN INJURED BY REASON OF ANY VIOLATION OF THIS ARTICLE MAY BRING AN ACTION IN HIS OR HER OWN NAME TO ENJOIN SUCH UNLAWFUL ACT OR PRACTICE, AN ACTION TO RECOVER HIS OR HER ACTUAL DAMAGES OR TWO HUNDRED FIFTY DOLLARS, WHICHEVER IS GREATER, OR BOTH SUCH ACTIONS. A COURT MAY, IN ITS DISCRETION, AWARD THE PREVAILING PLAINTIFF IN SUCH ACTION A PENALTY UP TO ONE THOUSAND DOLLARS, IF THE COURT FINDS THE DEFENDANT WILLFULLY OR KNOWINGLY VIOLATED THE PROVISIONS OF THIS ARTICLE. A COURT MAY AWARD REASONABLE ATTORNEYS' FEES TO A PREVAILING PLAINTIFF.

S 216-J. POWERS OF THE COMMISSIONER. 1. IN ADDITION TO THE POWERS AND DUTIES SPECIFIED IN THE VEHICLE AND TRAFFIC LAW, THE COMMISSIONER, UPON ANY COMPLAINT OR UPON HIS OR HER OWN INITIATIVE, HAS THE POWER TO MAKE AND CONDUCT SUCH INVESTIGATION AS HE OR SHE DEEMS PROPER TO EFFECTUATE THE PURPOSES OF THIS ARTICLE. THE COMMISSIONER MAY ESTABLISH, BY RULE OR REGULATION, CRITERIA UPON WHICH THE NECESSITY FOR INVESTIGATION OF COMPLAINTS SHALL BE DETERMINED. SUCH CRITERIA MAY INCLUDE, BUT ARE NOT LIMITED TO, THE ALLEGED FINANCIAL LOSS TO THE COMPLAINANT, THE INDICATION OF A RECURRING INCIDENCE OF FRAUD OR DECEPTIVE PRACTICES, THE ALLEGED PRACTICE OR INSTANCE OF DISCRIMINATION PURSUANT TO SECTION TWO HUNDRED SIXTEEN-F OF THIS ARTICLE, OR VIOLATIONS OF ANY PROTECTIONS GRANTED PURSUANT TO SECTION TWO HUNDRED SIXTEEN-G OF THIS ARTICLE. THE COMMISSIONER ALSO HAS THE POWER TO ASSIST IN THE SETTLEMENT OF DISPUTES BETWEEN COMPLAINANTS AND REGISTRANTS. IN ANY SUCH CASE IN WHICH A

SETTLEMENT IS REACHED, A REPORT OF THE FACTS SHALL BE INCLUDED IN THE REGISTRANT'S RECORD. THE PROVISIONS OF SECTION TWO HUNDRED SIXTEEN-A OF THIS ARTICLE RELATING TO THE REQUIRED ATTENDANCE OF REGISTRANTS AND THE POWER TO SUBPOENA SHALL APPLY TO ANY INVESTIGATION CONDUCTED PURSUANT TO THIS SECTION.

2. THE COMMISSIONER IS HEREBY AUTHORIZED AND DIRECTED TO PROMULGATE RULES AND REGULATIONS NECESSARY AND APPROPRIATE FOR THE IMPLEMENTATION OF THIS ARTICLE.

S 2. The vehicle and traffic law is amended by adding a new section 229 to read as follows:

S 229. REGULATION OF RENTAL VEHICLE COMPANIES; ENFORCEMENT. THE COMMISSIONER HAS THE POWER TO ENFORCE THE PROVISIONS OF ARTICLE TWELVE-A OF THE GENERAL BUSINESS LAW.

S 3. Section 3440 of the insurance law is amended by adding a new subsection (g) to read as follows:

(G) THE SUPERINTENDENT IS AUTHORIZED AND DIRECTED TO PROMULGATE RULES AND REGULATIONS TO GOVERN THE ACTUAL EXTRA COST FOR INSURANCE RELATING TO THE AGE OF THE PERSON RENTING A MOTOR VEHICLE TO BE PASSED ON TO SUCH PERSON PURSUANT TO SUBDIVISION TWO OF SECTION TWO HUNDRED SIXTEEN-F OF THE GENERAL BUSINESS LAW.

S 4. Section 391-g of the general business law is REPEALED.

S 5. Section 391-l of the general business law, as added by chapter 573 of the laws of 1980 and as redesignated by chapter 694 of the laws of 1995, is REPEALED.

S 6. Section 396-z of the general business law is REPEALED.

S 7. Section 398-b of the general business law is REPEALED.

S 8. Subsection (e) of section 3440 of the insurance law, as added by chapter 784 of the laws of 1988, is amended to read as follows:

(e) Nothing in this section shall be construed to require an insurer to make payment under the coverage herein for damage to, or loss of, a rental vehicle (including loss of use) which the rental vehicle company is precluded from recovering from the insured whether pursuant to the terms of the rental agreement or due to the prohibitions of [section three hundred ninety-six-z] ARTICLE TWELVE-A of the general business law or similar statutory provisions of other jurisdictions; or which is not otherwise recoverable under the applicable insurance policy or policies.

S 9. Paragraph (a) of subdivision 12 of section 1229-c of the vehicle and traffic law, as amended by chapter 509 of the laws of 2004, is amended to read as follows:

(a) Every rental vehicle company, as defined in [paragraph (c) of subdivision one of section three hundred ninety-six-z] SUBDIVISION TWELVE OF SECTION TWO HUNDRED ELEVEN of the general business law, shall post a sign in their place of business which states in conspicuous lettering of at least seventy-two point boldface type:

NEW YORK STATE LAW REQUIRES ALL CHILDREN UNDER THE AGE OF SEVEN TO BE RESTRAINED IN A FEDERALLY APPROVED CHILD RESTRAINT SYSTEM.

S 10. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that, effective immediately, the addition, amendment or repeal of any rules or regulations necessary for the implementation of the foregoing sections of this act on its effective date is authorized and directed to be made and completed on or before such effective date.

REPEAL NOTE.--Section 391-g of the general business law, repealed by section four of this act, prohibited certain forms of discrimination based upon age in the rental of motor vehicles. It is replaced by new

section 216-f of the general business law, as added by section one of this act.

Section 391-l of the general business law, added by chapter 573 of the laws of 1980, redesignated by chapter 694 of the laws of 1995 and repealed by section five of this act, prohibited refusal to rent a motor vehicle solely upon the requirement of a credit card. It is replaced by new section 216-f of the general business law, as added by section one of this act.

Section 396-z of the general business law, repealed by section six of this act, provided for various consumer protections in the rental of motor vehicles. It is replaced by new section 216-g and article 12-A of the general business law, as added by section one of this act.

Section 398-b of the general business law, repealed by section seven of this act, prohibited discrimination because of race, color, ethnic origin, or sex in the rental of motor vehicles. It is replaced by the proscriptions of new section 216-f and article 12-A of the general business law, as added by section one of this act.