

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

8841--A

2009-2010 Regular Sessions

I N A S S E M B L Y

June 11, 2009

Introduced by M. of A. PHEFFER -- read once and referred to the Committee on Consumer Affairs and Protection -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 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 (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 AVERAGE PER-RENTAL DAY PORTION OF THE COMPANY'S ESTIMATED ANNUAL COSTS, AS
5 IMPOSED BY THE STATE, FOR THE LICENSING, TITLING, REGISTRATION AND
6 INSPECTION OF ITS VEHICLES IN NEW YORK. IF THE TOTAL AMOUNT RECOVERED
7 FROM RENTERS BY A RENTAL VEHICLE COMPANY FOR VEHICLE LICENSING FEES
8 DURING THE CALENDAR YEAR IS DIFFERENT THAN THE TOTAL AMOUNT PAID BY THE
9 RENTAL VEHICLE COMPANY FOR SUCH ITEMS, THE RENTAL VEHICLE COMPANY SHALL
10 ADJUST ITS DAILY FEE IN THE FOLLOWING CALENDAR YEAR BY THE AMOUNT OF THE
11 DIFFERENCE. AS OF FEBRUARY TWENTY-EIGHTH, TWO THOUSAND ELEVEN, AND
12 ANNUALLY EACH FEBRUARY TWENTY-EIGHTH THEREAFTER, A RENTAL VEHICLE COMPANY SHALL POST INFORMATION ON ITS INTERNET WEBSITE IN AN UNDERSTANDABLE
13 AND READABLE FORMAT THAT SHALL SHOW A RECONCILIATION OF THE AMOUNT OF
14 VEHICLE LICENSING RECOVERY FEES ACTUALLY PAID BY THE RENTAL VEHICLE
15 COMPANY DURING THE PRECEDING CALENDAR YEAR AND THE AMOUNT OF VEHICLE
16 LICENSING RECOVERY FEES CHARGED TO CUSTOMERS DURING THAT SAME CALENDAR
17 YEAR FOR RENTAL OF VEHICLES.
18 S 2. Subdivision 8 of section 396-z of the general business law, as
19 amended by chapter 731 of the laws of 2006, is amended to read as
20 follows:
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22

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

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1 8. No rental vehicle company shall advertise or quote a rental rate
2 that does not include all charges, except taxes or optional items and/or
3 services or any mileage charge, which an authorized driver must pay to
4 obtain a rental vehicle. Provided, however, a rental vehicle company
5 shall be permitted to separately quote and charge airport fees AND VEHI-
6 CLE LICENSING RECOVERY FEES as defined herein, which shall be in addi-
7 tion to the rental rate; and provided further that advertised rental
8 rates that include locations at which airport fees apply shall clearly
9 indicate that additional fees apply.

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

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

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

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