

5725

2009-2010 Regular Sessions

I N S E N A T E

June 1, 2009

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 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 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.