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

771

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GANTT -- Multi-Sponsored by -- M. of A. BOYLAND -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the general business law, in relation to the rental of motor vehicles

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

Section 1. Paragraphs c and d of subdivision 1 of section 391-1 of the general business law, as added by chapter 573 of the laws of 1980 and such section as redesignated by chapter 694 of the laws of 1995, are amended and two new paragraphs e and f are added to read as follows:

c. "Motor vehicle" shall have the meaning ascribed thereto by section one hundred twenty-five of the vehicle and traffic law; [and]

d. "Credit card" shall mean 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 may be used by such holder to obtain a cash advance or a 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[.];

E. "AUTHORIZED DRIVER" SHALL MEAN: (I) THE PERSON TO WHOM THE VEHICLE IS RENTED IF A LICENSED DRIVER; (II) SUCH PERSON'S SPOUSE IF LICENSED AND AT LEAST EIGHTEEN YEARS OF AGE; (III) ANY PERSON WHO OPERATES THE VEHICLE DURING AN EMERGENCY SITUATION TO A MEDICAL FACILITY; OR (IV) ANY LICENSED DRIVER EXPRESSLY LISTED ON THE RENTAL AGREEMENT AS AN AUTHORIZED DRIVER; AND

F. "RENTAL AGREEMENT" MEANS ANY WRITTEN AGREEMENT SETTING FORTH TERMS AND CONDITIONS GOVERNING THE AUTHORIZED DRIVER'S USE OF A RENTAL VEHICLE, AS DEFINED IN SECTION ONE HUNDRED THIRTY-SEVEN-A OF THE VEHICLE AND TRAFFIC LAW, FOR A PERIOD NOT TO EXCEED THIRTY CONTINUOUS DAYS.

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

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S 2. Subdivision 2 of section 391-l of the general business law, as added by chapter 573 of the laws of 1980 and such section as redesignated by chapter 694 of the laws of 1995, is amended to read as follows:

2. It shall be unlawful for any person, firm, partnership, association or corporation engaged in the business of renting motor vehicles to refuse to rent such vehicle to any person solely on the requirement of ownership of a credit card OR REQUIRE ANY PERSON TO OWN A CREDIT CARD IN ORDER TO OPERATE A VEHICLE OR ENTER INTO A RENTAL AGREEMENT.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.