

8544

2011-2012 Regular Sessions

I N   A S S E M B L Y

July 20, 2011

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Introduced by M. of A. ORTIZ -- read once and referred to the Committee  
on Governmental Operations

AN ACT to amend the executive law and the general business law, in  
relation to directing the division of homeland security to develop  
rules and regulations relating to truck rental security

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

1     Section 1.     Subdivision 2 of section 709 of the executive law is  
2     amended by adding a new paragraph (v) to read as follows:  
3     (V) PROMULGATE RULES AND REGULATIONS WITHIN TWELVE MONTHS OF THE  
4     EFFECTIVE DATE OF THIS PARAGRAPH, IN CONSULTATION WITH THE DEPARTMENT OF  
5     TRANSPORTATION AND THE DEPARTMENT OF STATE, TO ENSURE THAT:  
6     (I) ANY PERSON OR ORGANIZATION, OR ANY SUBSIDIARY OR AFFILIATE,  
7     INCLUDING A FRANCHISE, IN THE BUSINESS OF RENTING TRUCKS, VANS OR TRAIL-  
8     ERS TO THE PUBLIC FROM LOCATIONS IN THIS STATE, BE REGISTERED WITH THE  
9     DIVISION OF HOMELAND SECURITY;  
10    (II) EACH SUCH PERSON OR ORGANIZATION MAINTAINS ACCURATE RECORDS OF  
11    ANY PERSON RENTING A TRUCK, VAN OR TRAILER FOR AT LEAST TWO YEARS; AND  
12    (III) ANY PERSON OR ORGANIZATION, OR ANY SUBSIDIARY OR AFFILIATE,  
13    INCLUDING A FRANCHISE, IN THE BUSINESS OF RENTING TRUCKS, VANS OR TRAIL-  
14    ERS TO THE PUBLIC REQUIRES A VALID DRIVER'S LICENSE AND AT LEAST ONE  
15    OTHER FORM OF IDENTIFICATION TO RENT TRUCKS, VANS OR TRAILERS AND  
16    REQUIRES THAT MEANINGFUL ASSURANCES ARE MADE BY THE RENTAL ENTITY TO  
17    VERIFY THE IDENTITY OF ANY PERSON RENTING A TRUCK, VAN OR TRAILER;  
18    (IV) ANY PERSON RENTING A TRUCK, VAN OR TRAILER MAY BE CHECKED AGAINST  
19    STATE OR FEDERAL CRIMINAL DATABASES FOR THE PURPOSES OF SCREENING FOR  
20    POSSIBLE TERRORISTS; AND  
21    (V) THE DIVISION SHALL DEVELOP AND PROMOTE BEST PRACTICES FOR THE  
22    TRUCK RENTAL INDUSTRY IN THIS STATE, AND WORK TO EDUCATE PERSONS AND  
23    AGENCIES RENTING TRUCKS, VANS AND TRAILERS ON HOW TO DETECT AND REPORT  
24    SUSPICIOUS ACTIVITY AS DEFINED BY THE DIVISION.

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

LBD11292-01-1

1 S 2. Subdivision 1 of section 396-z of the general business law is  
2 amended by adding a new paragraph (k) to read as follows:

3 (K) "TRUCK RENTAL COMPANY" MEANS ANY PERSON OR ORGANIZATION, OR ANY  
4 SUBSIDIARY OR AFFILIATE, INCLUDING A FRANCHISEE, IN THE BUSINESS OF  
5 RENTING TRUCKS, VANS OR TRAILERS TO THE PUBLIC FROM LOCATIONS IN THIS  
6 STATE.

7 S 3. Subdivision 1 of section 396-z of the general business law is  
8 amended by adding a new paragraph (d) to read as follows:

9 (D) "TRUCK RENTAL COMPANY" MEANS ANY PERSON OR ORGANIZATION, OR ANY  
10 SUBSIDIARY OR AFFILIATE, INCLUDING A FRANCHISEE, IN THE BUSINESS OF  
11 RENTING TRUCKS, VANS OR TRAILERS TO THE PUBLIC FROM LOCATIONS IN THIS  
12 STATE.

13 S 4. Section 396-z of the general business law is amended by adding a  
14 new subdivision 13-b to read as follows:

15 13-B. FOR TRUCK RENTAL COMPANIES, THE FOLLOWING DISCLOSURE NOTICE  
16 SHALL BE MADE ON THE FACE OF THE RENTAL AGREEMENT EITHER BY STAMP, LABEL  
17 OR AS PART OF THE WRITTEN CONTRACT OR ON ANY OTHER WRITTEN DOCUMENT  
18 PROVIDED TO THE AUTHORIZED DRIVER AT THE TIME SUCH DRIVER TAKES  
19 POSSESSION OF THE VEHICLE, SHALL BE SET APART IN BOLDFACE TYPE AND IN NO  
20 SMALLER PRINT THAN TEN POINT TYPE:

21 NOTICE: BY ENTERING INTO THIS RENTAL AGREEMENT, YOU UNDERSTAND THAT  
22 YOUR NAME AND INFORMATION MAY BE CHECKED AGAINST STATE OR FEDERAL CRIMI-  
23 NAL DATABASES FOR THE PURPOSES OF SCREENING FOR POSSIBLE TERRORISTS.

24 S 5. This act shall take effect on the ninetieth day after it shall  
25 have become a law; provided that the amendment to section 396-z of the  
26 general business law made by section two of this act shall not affect  
27 the repeal of such section and shall be deemed repealed therewith, when  
28 upon such date the provisions of section three of this act shall take  
29 effect; and provided, further, that the amendment to section 369-z of  
30 the general business law made by section four of this act shall survive  
31 the repeal and reversion of such section as provided in section 2 of  
32 chapter 656 of the laws of 2002, as amended; provided further that any  
33 rules and regulations necessary to implement the provisions of this act  
34 on its effective date are authorized and directed to be promulgated on  
35 or before such effective date.