

5269

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

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 ASSEMBLY, 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

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

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1 AGENCIES RENTING TRUCKS, VANS AND TRAILERS ON HOW TO DETECT AND REPORT
2 SUSPICIOUS ACTIVITY AS DEFINED BY THE DIVISION.

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

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

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

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

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

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

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

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29 the repeal of such section and shall be deemed repealed therewith, when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