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

4708

2011-2012 Regular Sessions

I N A S S E M B L Y

February 7, 2011

Introduced by M. of A. PHEFFER -- read once and referred to the Committee on Consumer Affairs and 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:

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

(K) "VEHICLE LICENSING RECOVERY FEE" MEANS THE DAILY FEE A RENTAL VEHICLE COMPANY MAY CHARGE ITS CUSTOMERS WHICH SHALL REPRESENT AN AVERAGE PER-RENTAL DAY PORTION OF THE COMPANY'S ESTIMATED ANNUAL COSTS, AS IMPOSED BY THE STATE, FOR THE LICENSING, TITLING, REGISTRATION AND INSPECTION OF ITS VEHICLES IN THIS STATE. IF THE TOTAL AMOUNT RECOVERED FROM RENTERS BY A RENTAL VEHICLE COMPANY FOR VEHICLE LICENSING FEES DURING THE CALENDAR YEAR IS DIFFERENT THAN THE TOTAL AMOUNT PAID BY THE RENTAL VEHICLE COMPANY FOR SUCH ITEMS, THE RENTAL VEHICLE COMPANY SHALL ADJUST ITS DAILY FEE IN THE FOLLOWING CALENDAR YEAR BY THE AMOUNT OF THE DIFFERENCE. AS OF FEBRUARY TWENTY-EIGHTH, TWO THOUSAND TWELVE, AND ANNUALLY EACH FEBRUARY TWENTY-EIGHTH THEREAFTER, A RENTAL VEHICLE COMPANY SHALL POST INFORMATION ON ITS INTERNET WEBSITE IN AN UNDERSTANDABLE AND READABLE FORMAT THAT SHALL SHOW A RECONCILIATION OF THE AMOUNT OF VEHICLE LICENSING RECOVERY FEES ACTUALLY PAID BY THE RENTAL VEHICLE COMPANY DURING THE PRECEDING CALENDAR YEAR AND THE AMOUNT OF VEHICLE LICENSING RECOVERY FEES CHARGED TO CUSTOMERS DURING THAT SAME CALENDAR YEAR FOR RENTAL OF VEHICLES.

S 2. Subdivision 8 of section 396-z of the general business law, as amended by chapter 731 of the laws of 2006, is amended to read as follows:

8. No rental vehicle company shall advertise or quote a rental rate that does not include all charges, except taxes or optional items and/or services or any mileage charge, which an authorized driver must pay to

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

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obtain a rental vehicle. Provided, however, a rental vehicle company shall be permitted to separately quote and charge airport fees [as defined herein] AND VEHICLE LICENSING RECOVERY FEES, which shall be in addition to the rental rate; and provided further that advertised rental rates that include locations at which airport fees apply shall clearly indicate that additional fees apply.

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

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

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

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