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

4876

2011-2012 Regular Sessions

I N A S S E M B L Y

February 8, 2011

Introduced by M. of A. SIMOTAS -- 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 and emergency services 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:

Section 1. Paragraphs (s), (t) and (u) of subdivision 2 of section 709 of the executive law, paragraph (s) as amended and paragraph (t) as added by section 14 and paragraph (u) as added by section 22 of part B of chapter 56 of the laws of 2010, are amended and a new paragraph (v) is added to read as follows:

(s) work in consultation with or make recommendations to the commissioner of agriculture and markets in developing rules and regulations relating to ammonium nitrate security; [and]

(t) develop, maintain, and deploy state, regional and local all-hazard incident management teams[.];

(u) [Notwithstanding] NOTWITHSTANDING article six-C of this chapter, or any other provision of law to the contrary, [the division of homeland security and emergency services shall] establish best practices regarding training and education for firefighters and first responders which shall include but not be limited to: minimum basic training for firefighters and first responders; in-service training and continuing education; and specialized training as it may apply to the specific duties of a category of emergency personnel[.]; AND

(V) PROMULGATE RULES AND REGULATIONS WITHIN TWELVE MONTHS OF THE EFFECTIVE DATE OF THIS PARAGRAPH, IN CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF STATE, TO ENSURE THAT:

(I) ANY PERSON OR ORGANIZATION, OR ANY SUBSIDIARY OR AFFILIATE, INCLUDING A FRANCHISE, IN THE BUSINESS OF RENTING TRUCKS, VANS OR TRAIL-

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

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ERS TO THE PUBLIC FROM LOCATIONS IN THIS STATE, BE REGISTERED WITH THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES;

(II) EACH SUCH PERSON OR ORGANIZATION MAINTAINS ACCURATE RECORDS OF ANY PERSON RENTING A TRUCK, VAN OR TRAILER FOR AT LEAST TWO YEARS; AND

(III) ANY PERSON OR ORGANIZATION, OR ANY SUBSIDIARY OR AFFILIATE, INCLUDING A FRANCHISE, IN THE BUSINESS OF RENTING TRUCKS, VANS OR TRAILERS TO THE PUBLIC REQUIRE A VALID DRIVERS LICENSE AND AT LEAST ONE OTHER FORM OF IDENTIFICATION TO RENT TRUCKS, VANS OR TAILERS AND REQUIRE THAT MEANINGFUL ASSURANCES ARE MADE BY THE RENTAL ENTITY TO VERIFY THE IDENTITY OF ANY PERSON RENTING A TRUCK, VAN OR TRAILER;

(IV) ANY PERSON RENTING A TRUCK, VAN OR TRAILER MAY BE CHECKED AGAINST STATE OR FEDERAL CRIMINAL DATABASES FOR THE PURPOSES OF SCREENING FOR POSSIBLE TERRORISTS; AND

(V) THE DIVISION SHALL DEVELOP AND PROMOTE BEST PRACTICES FOR THE TRUCK RENTAL INDUSTRY IN THIS STATE, AND WORK TO EDUCATE PERSONS AND AGENCIES RENTING TRUCKS, VANS AND TRAILERS ON HOW TO DETECT AND REPORT SUSPICIOUS ACTIVITY AS DEFINED BY THE DIVISION.

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

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

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

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

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

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

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

S 5. This act shall take effect on the ninetieth day after it shall have become a law; provided that the amendment to section 396-z of the general business law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith, when upon such date the provisions of section three of this act shall take effect; and provided, further, that the amendment to section 396-z of the general business law made by section four of this act shall survive the repeal and reversion of such section as provided in section 4 of chapter 656 of the laws of 2002, as amended; provided further that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be promulgated on or before such effective date.