

5618

2011-2012 Regular Sessions

I N S E N A T E

June 7, 2011

Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to prohibiting the rental of motor vehicles that are subject to a recall

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

1 Section 1. Section 396-z of the general business law, as amended by
2 chapter 731 of the laws of 2006, is amended by adding a new subdivision
3 16 to read as follows:
4 16. RENTAL VEHICLE COMPANIES SHALL INSPECT AND, IF APPROPRIATE, REPAIR
5 ANY RENTAL VEHICLE COVERED UNDER A FEDERAL OR MANUFACTURER'S SAFETY
6 RECALL WITHIN ONE HUNDRED TWENTY DAYS AFTER RECEIVING SUCH NOTICE.
7 FOLLOWING RECEIPT OF SUCH NOTICE BY A RENTAL VEHICLE COMPANY, SUCH
8 COMPANY MAY RENT A VEHICLE THAT IS SUBJECT TO A SAFETY RECALL PROVIDED
9 THAT SUCH COMPANY DISCLOSES TO ANY PROSPECTIVE RENTER OF VEHICLES
10 COVERED UNDER A FEDERAL OR MANUFACTURER'S SAFETY RECALL THAT THE VEHI-
11 CLES ARE SUBJECT TO SAFETY RECALL NOTICES AND HAVE NOT BEEN INSPECTED OR
12 REPAIRED PRIOR TO THE SIGNING OF THE RENTAL AGREEMENT. IF ONE HUNDRED
13 TWENTY DAYS SHALL LAPSE FOLLOWING THE RECEIPT OF NOTICE BY A RENTAL
14 VEHICLE COMPANY THAT A FEDERAL OR MANUFACTURER'S SAFETY RECALL IS IN
15 EFFECT ON ANY OF THE VEHICLES OWNED BY THE RENTAL VEHICLE COMPANY, AND
16 SUCH RENTAL VEHICLE COMPANY HAS FAILED TO INSPECT OR REPAIR SUCH VEHI-
17 CLES, THE RENTAL VEHICLE COMPANY SHALL HAVE THE OPTION, AS AN ALTERNA-
18 TIVE TO UNDERTAKING THE INSPECTIONS OR REPAIRS SUBJECT TO THE RECALL, TO
19 DISCLOSE TO PROSPECTIVE RENTERS OF VEHICLES COVERED UNDER A FEDERAL OR
20 MANUFACTURER'S SAFETY RECALL THAT THE VEHICLES ARE SUBJECT TO SAFETY
21 RECALL NOTICES AND HAVE NOT BEEN INSPECTED OR REPAIRED PRIOR TO THE
22 SIGNING OF THE AGREEMENT. ANY DISCLOSURES REQUIRED UNDER THIS SECTION
23 SHALL BE SET FORTH IN A SEPARATE DOCUMENT ATTACHED TO THE RENTAL AGREE-
24 MENT AND SHALL STATE (A) THAT THE SPECIFIC VEHICLE IS THE SUBJECT OF A
25 SAFETY RECALL, (B) DESCRIBE THE RECALL IN QUESTION, AND (C) DESCRIBE THE

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

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1 NATURE OF THE DEFECT. SUCH DISCLOSURE SHALL BE INITIALLED BY THE
2 PROSPECTIVE RENTER PRIOR TO THE SIGNING OF THE RENTAL AGREEMENT.

3 S 2. Section 396-z of the general business law, as amended by chapter
4 784 of the laws of 1988, is amended by adding a new subdivision 14 to
5 read as follows:

6 14. RENTAL VEHICLE COMPANIES SHALL INSPECT AND, IF APPROPRIATE, REPAIR
7 ANY RENTAL VEHICLE COVERED UNDER A FEDERAL OR MANUFACTURER'S SAFETY
8 RECALL WITHIN ONE HUNDRED TWENTY DAYS AFTER RECEIVING SUCH NOTICE.
9 FOLLOWING RECEIPT OF SUCH NOTICE BY A RENTAL VEHICLE COMPANY, SUCH
10 COMPANY MAY RENT A VEHICLE THAT IS SUBJECT TO A SAFETY RECALL PROVIDED
11 THAT SUCH COMPANY DISCLOSES TO ANY PROSPECTIVE RENTER OF VEHICLES
12 COVERED UNDER A FEDERAL OR MANUFACTURER'S SAFETY RECALL THAT THE VEHI-
13 CLES ARE SUBJECT TO SAFETY RECALL NOTICES AND HAVE NOT BEEN INSPECTED OR
14 REPAIRED PRIOR TO THE SIGNING OF THE RENTAL AGREEMENT. IF ONE HUNDRED
15 TWENTY DAYS SHALL LAPSE FOLLOWING THE RECEIPT OF NOTICE BY A RENTAL
16 VEHICLE COMPANY THAT A FEDERAL OR MANUFACTURER'S SAFETY RECALL IS IN
17 EFFECT ON ANY OF THE VEHICLES OWNED BY THE RENTAL VEHICLE COMPANY, AND
18 SUCH RENTAL VEHICLE COMPANY HAS FAILED TO INSPECT OR REPAIR SUCH VEHI-
19 CLES, THE RENTAL VEHICLE COMPANY SHALL HAVE THE OPTION, AS AN ALTERNA-
20 TIVE TO UNDERTAKING THE INSPECTIONS OR REPAIRS SUBJECT TO THE RECALL, TO
21 DISCLOSE TO PROSPECTIVE RENTERS OF VEHICLES COVERED UNDER A FEDERAL OR
22 MANUFACTURER'S SAFETY RECALL THAT THE VEHICLES ARE SUBJECT TO SAFETY
23 RECALL NOTICES AND HAVE NOT BEEN INSPECTED OR REPAIRED PRIOR TO THE
24 SIGNING OF THE AGREEMENT. ANY DISCLOSURES REQUIRED UNDER THIS SECTION
25 SHALL BE SET FORTH IN A SEPARATE DOCUMENT ATTACHED TO THE RENTAL AGREE-
26 MENT AND SHALL STATE (A) THAT THE SPECIFIC VEHICLE IS THE SUBJECT OF A
27 SAFETY RECALL, (B) DESCRIBE THE RECALL IN QUESTION, AND (C) DESCRIBE THE
28 NATURE OF THE DEFECT. SUCH DISCLOSURE SHALL BE INITIALLED BY THE
29 PROSPECTIVE RENTER PRIOR TO THE SIGNING OF THE RENTAL AGREEMENT.

30 S 3. This act shall take effect immediately, provided that the amend-
31 ments to section 396-z of the general business law, made by section one
32 of this act, shall be subject to the expiration and reversion of such
33 section pursuant to section 4 of chapter 656 of the laws of 2002, as
34 amended, when upon such date section two of this act shall take effect.