

3505

2013-2014 Regular Sessions

I N S E N A T E

February 5, 2013

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 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:

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 AND EMERGENCY SERVICES;
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, as
4 amended by chapter 731 of the laws of 2006, is amended by adding a new
5 paragraph (k) to read as follows:

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

10 S 3. Subdivision 1 of section 396-z of the general business law, as
11 amended by chapter 784 of the laws of 1988, is amended by adding a new
12 paragraph (d) to read as follows:

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

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

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

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

28 S 5. This act shall take effect on the ninetieth day after it shall
29 have become a law; provided that:

30 (a) the amendment to section 396-z of the general business law made by
31 section two of this act shall not affect the expiration of such section
32 and shall be deemed expired therewith, when upon such date the
33 provisions of section three of this act shall take effect;

34 (b) the amendment to section 396-z of the general business law made by
35 section four of this act shall survive the expiration and reversion of
36 such section as provided in section 2 of chapter 656 of the laws of
37 2002, as amended; and

38 (c) any rules and regulations necessary to implement the provisions of
39 this act on its effective date are authorized and directed to be promul-
40 gated on or before such effective date.