

# STATE OF NEW YORK

8856--A

2017-2018 Regular Sessions

## IN ASSEMBLY

December 22, 2017

Introduced by M. of A. ORTIZ, TAYLOR, COOK -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to enacting the "vehicle ramming prevention act" to cause the monitoring of suspicious vehicle rental activity

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "vehicle ramming prevention act".

3 § 2. The executive law is amended by adding a new section 719 to read  
4 as follows:

5 § 719. Suspicious rental activity. 1. For purposes of this section,  
6 "rental vehicle company" shall have the same meaning as defined in para-  
7 graph (c) of subdivision one of section three hundred ninety-six-z of  
8 the general business law provided, however, the requirements of this  
9 section shall only apply to the offices, departments and employees of  
10 the rental vehicle company that handle and facilitate vehicle rentals.

11 2. The division shall establish and distribute a guidance poster  
12 containing information, consistent with federal law enforcement recom-  
13 mendations, on suspicious rental vehicle activity and procedures for  
14 rental vehicle company employees to follow to assist in preventing vehi-  
15 cle ramming attacks. The poster shall include, but not be limited to:

16 (a) a list of potentially suspicious activities that individually or  
17 in combination may be reportable including, but not limited to:

18 (i) customer behaviors that may be considered suspicious;

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

LBD13763-03-8

1 (ii) suspicious factors that an employee should be aware of when a  
2 rental vehicle is returned, such as whether the vehicle smells like  
3 chemicals and whether the vehicle was altered; and

4 (iii) suspicious rental practices such as using cash for large trans-  
5 actions;

6 (b) the national hotline number for an employee to use if they suspect  
7 illegal activity; and

8 (c) any other information deemed important by the division that would  
9 assist employees of rental vehicle companies in identifying suspicious  
10 rental activity.

11 3. Every rental vehicle company shall post such poster in a conspicu-  
12 ous place in a location frequented by employees, such as a break room.

13 4. Every rental vehicle company shall maintain and provide to the  
14 division a twenty-four hour a day contact number by which state or local  
15 law enforcement may reach appropriate personnel for the handling of  
16 communications related to suspected terrorist activity.

17 5. The division shall take such steps as necessary to educate rental  
18 vehicle companies on what may be considered suspicious rental activity  
19 and on the existence and use of the national hotline. The commissioner  
20 of homeland security and emergency services, in consultation with the  
21 superintendent of state police and federal law enforcement authorities,  
22 shall update the recommendations or general guidance provided pursuant  
23 to subdivision two of this section on an annual basis to commercial  
24 motor carrier and rental vehicle companies to enhance protections  
25 against a terrorist attack.

26 6. Each rental vehicle company shall conduct annual training for  
27 employees responsible for the rental or safeguarding of any vehicles.  
28 Such training shall include information from state and federal law  
29 enforcement provided pursuant to subdivision two of this section on how  
30 employees can spot and report suspicious rental activity.

31 7. No rental vehicle company, nor any employee or agent thereof shall  
32 be liable for any civil damages for injuries resulting from any act of  
33 commission or omission on his or her part in the course of his or her  
34 compliance with the provisions of this section, unless it is established  
35 that such injuries were caused by gross negligence, or reckless, wanton  
36 or intentional misconduct, on the part of such rental vehicle company,  
37 or any employee or agent thereof.

38 § 3. This act shall take effect on the ninetieth day after it shall  
39 have become a law.