

# STATE OF NEW YORK

7059--A

## IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sens. KLEIN, CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- 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;

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

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

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

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

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

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

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

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

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

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

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