

# STATE OF NEW YORK

---

2103

2019-2020 Regular Sessions

## IN SENATE

January 22, 2019

---

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

6 (s) work in consultation with or make recommendations to the commis-  
7 sioner of agriculture and markets in developing rules and regulations  
8 relating to ammonium nitrate security; ~~and~~

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

11 (u) ~~Notwithstanding~~ notwithstanding article six-C of this chapter,  
12 or any other provision of law to the contrary, ~~[the division of homeland~~  
13 ~~security and emergency services shall]~~ establish best practices regard-  
14 ing training and education for firefighters and first responders which  
15 shall include but not be limited to: minimum basic training for fire-  
16 fighters and first responders; in-service training and continuing educa-  
17 tion; and specialized training as it may apply to the specific duties of  
18 a category of emergency personnel~~[-]~~; and

19 (v) promulgate rules and regulations within twelve months of the  
20 effective date of this paragraph, in consultation with the department of  
21 transportation and the department of state, to ensure that:

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

LBD01498-01-9

1 (i) any person or organization, or any subsidiary or affiliate,  
2 including a franchise, in the business of renting trucks, vans or trail-  
3 ers to the public from locations in this state, be registered with the  
4 division of homeland security and emergency services;

5 (ii) each such person or organization maintains accurate records of  
6 any person renting a truck, van or trailer for at least two years; and

7 (iii) any person or organization, or any subsidiary or affiliate,  
8 including a franchise, in the business of renting trucks, vans or trail-  
9 ers to the public require a valid driver's license and at least one  
10 other form of identification to rent trucks, vans or trailers and  
11 require that meaningful assurances are made by the rental entity to  
12 verify the identity of any person renting a truck, van or trailer;

13 (iv) any person renting a truck, van or trailer may be checked against  
14 state or federal criminal databases for the purposes of screening for  
15 possible terrorists; and

16 (v) the division shall develop and promote best practices for the  
17 truck rental industry in this state, and work to educate persons and  
18 agencies renting trucks, vans and trailers on how to detect and report  
19 suspicious activity as defined by the division.

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

22 (m) "Truck rental company" means any person or organization, or any  
23 subsidiary or affiliate, including a franchisee, in the business of  
24 renting trucks, vans or trailers to the public from locations in this  
25 state.

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

28 (k) "Truck rental company" means any person or organization, or any  
29 subsidiary or affiliate, including a franchisee, in the business of  
30 renting trucks, vans or trailers to the public from locations in this  
31 state.

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

34 13-b. For truck rental companies, the following disclosure notice  
35 shall be made on the face of the rental agreement either by stamp, label  
36 or as part of the written contract or on any other written document  
37 provided to the authorized driver at the time such driver takes  
38 possession of the vehicle, shall be set apart in boldface type and in no  
39 smaller print than ten point type:

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

43 § 5. This act shall take effect on the ninetieth day after it shall  
44 have become a law; provided that the amendment to section 396-z of the  
45 general business law made by section two of this act shall not affect  
46 the repeal of such section and shall be deemed repealed therewith, when  
47 upon such date the provisions of section three of this act shall take  
48 effect; and provided, further, that the amendment to section 396-z of  
49 the general business law made by section four of this act shall survive  
50 the repeal and reversion of such section as provided in subdivision (a)  
51 of section 4 of chapter 109 of the laws of 2018, as amended; provided  
52 further that any rules and regulations necessary to implement the  
53 provisions of this act on its effective date are authorized and directed  
54 to be promulgated on or before such effective date.