

# STATE OF NEW YORK

4036

2023-2024 Regular Sessions

## IN SENATE

February 2, 2023

Introduced by Sens. MANNION, BORRELLO, JACKSON -- 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 a cap on the amount which rental vehicle companies may charge for refueling of a rental vehicle

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

1 Section 1. Subdivision 10 of section 396-z of the general business law  
2 is amended by adding a new paragraph (b-1) to read as follows:

3 (b-1) A rental vehicle company that charges for the refueling of a  
4 rental vehicle, pursuant to paragraph (b) of this subdivision, shall  
5 only charge the renter for the amount of gas that was necessary to  
6 return the fuel tank to the amount of fuel that was in the tank at the  
7 beginning of the rental. The renter shall not be charged for such gas at  
8 a rate exceeding one hundred twenty-five percent of the regional aver-  
9 age market value of gas as published by the United States energy and  
10 information administration. Where a rental vehicle company has violated  
11 the provisions of this paragraph, the attorney general may commence a  
12 special proceeding pursuant to subdivision thirteen of this section, and  
13 in any such proceeding the court shall impose a civil penalty in an  
14 amount not to exceed twenty-five thousand dollars and, where appropri-  
15 ate, order restitution to aggrieved renters.

16 § 2. Subdivision 9 of section 396-z of the general business law is  
17 amended by adding a new paragraph (b-1) to read as follows:

18 (b-1) A rental vehicle company that charges for the refueling of a  
19 rental vehicle, pursuant to paragraph (b) of this subdivision, shall  
20 only charge the renter for the amount of gas that was necessary to  
21 return the fuel tank to the amount of fuel that was in the tank at the  
22 beginning of the rental. The renter shall not be charged for such gas at  
23 a rate exceeding one hundred twenty-five percent of the regional average

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

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1 market value of gas as published by the United States energy and infor-  
2 mation administration. Where a rental vehicle company has violated the  
3 provisions of this paragraph, the attorney general may commence a  
4 special proceeding pursuant to subdivision twelve of this section, and  
5 in any such proceeding the court shall impose a civil penalty in an  
6 amount not to exceed twenty-five thousand dollars and, where appropri-  
7 ate, order restitution to aggrieved renters.

8 § 3. This act shall take effect immediately, provided that the amend-  
9 ments to subdivision 10 of section 396-z of the general business law  
10 made by section one of this act shall be subject to the expiration and  
11 reversion of such section pursuant to subdivision (a) of section 4 of  
12 chapter 109 of the laws of 2018, as amended, when upon such date the  
13 provisions of section two of this act shall take effect.