

176--A

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I N A S S E M B L Y

(PREFILED)

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Introduced by M. of A. PHEFFER, V. LOPEZ, GIANARIS, COOK, GALEF, ORTIZ, POWELL, JAFFEE -- Multi-Sponsored by -- M. of A. CAHILL, COLTON, GABRYSZAK, J. RIVERA, ROBINSON, TOWNS, WEISENBERG -- read once and referred to the Committee on Consumer Affairs and Protection -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the personal property law, in relation to requiring a visual inspection of a leased vehicle

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 343 of the personal property law
2 is amended by adding a new paragraph (c) to read as follows:
3 (C) (I) UPON TERMINATION OF A RETAIL LEASE AGREEMENT AND UPON PHYSICAL
4 POSSESSION OF THE LEASED VEHICLE BY THE HOLDER OR ITS AGENTS, THE HOLDER
5 OR AN AGENT THEREOF SHALL COMPLETE A VISUAL INSPECTION OF THE VEHICLE'S
6 CONDITION WHILE IN THE LESSEE'S PRESENCE.
7 THE VISUAL INSPECTION SHALL COVER BUT NOT BE LIMITED TO THE EXTERIOR
8 BODY OF THE VEHICLE, THE INTERIOR OF THE VEHICLE AND THE VEHICLE'S
9 TIRES. THE VISUAL INSPECTION FORM SHALL BE SIGNED BY THE HOLDER OR AN
10 AGENT THEREOF AND A COPY SHALL BE IMMEDIATELY SUPPLIED TO THE LESSEE.
11 THE VISUAL INSPECTION SHALL NOT IMPAIR THE RIGHTS OF THE HOLDER TO
12 OBTAIN A WRITTEN ITEMIZED APPRAISAL OF EXCESSIVE WEAR AND DAMAGE TO THE
13 VEHICLE PURSUANT TO PARAGRAPH (C) OF SUBDIVISION TWO OF THIS SECTION.
14 (II) UPON COMMENCEMENT OF THE VISUAL INSPECTION A NOTICE CONSISTING OF
15 THE FOLLOWING STATEMENT WRITTEN OR PRINTED IN AT LEAST TEN-POINT BOLD
16 TYPE ON A SEPARATE DOCUMENT FROM THE VISUAL INSPECTION FORM SHALL BE
17 SUPPLIED TO THE LESSEE:
18 "THIS VISUAL INSPECTION OF THE VEHICLE'S CONDITION IS INTENDED TO MAKE
19 YOU AWARE OF ANY VISIBLE DAMAGE FOR WHICH A CHARGE FOR EXCESSIVE WEAR
20 AND DAMAGE MAY BE CLAIMED BY THE HOLDER AND TO PROTECT YOU FROM BEING

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

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1 HELD RESPONSIBLE FOR ANY DAMAGE THAT MAY OCCUR WHILE THE HOLDER OR ITS
2 AGENT IS IN PHYSICAL POSSESSION OF THE VEHICLE. PLEASE NOTE THAT THE
3 HOLDER'S ITEMIZED APPRAISAL, WHICH IS PART OF A SEPARATE PROCESS FROM
4 THIS VISUAL INSPECTION, MAY UNCOVER WEAR AND DAMAGE THAT IS NOT DOCU-
5 MENTED ON THE VISUAL INSPECTION FORM FOR WHICH YOU MAY BE RESPONSIBLE
6 PURSUANT TO THE TERMS AND CONDITIONS OF YOUR RETAIL LEASE AGREEMENT."
7 S 2. This act shall take effect on the sixtieth day after it shall
8 have become a law.