S T A T E O F N E W Y O R K

1839

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. DINOWITZ, SCHIMMINGER, GREENE, PAULIN, COLTON -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARRA, BRENNAN, CANESTRARI, ENGLEBRIGHT, HOYT, JOHN, McENENY, McKEVITT, WALKER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law and the vehicle and traffic law, in relation to unlawfully dealing with inflatable restraint systems

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

Section 1. The penal law is amended by adding a new section 270.40 to read as follows:

S 270.40 UNLAWFULLY DEALING WITH INFLATABLE RESTRAINT SYSTEMS.

1. "INFLATABLE RESTRAINT SYSTEM" MEANS A DEVICE USED OR INTENDED FOR USE IN A MOTOR VEHICLE TO PROTECT THE SAFETY OF VEHICLE OCCUPANTS BY INFLATING UPON THE OCCURRENCE OF AN IMPACT OF THE VEHICLE WITH ANOTHER OBJECT. "DISTRIBUTION OR SALE" OF A PREVIOUSLY DEPLOYED INFLATABLE RESTRAINT SYSTEM SHALL NOT BE DEEMED TO INCLUDE A TRANSFER THEREOF MADE FOR PURPOSES OF DISPOSAL.

2.(A) ANY PERSON WHO KNOWINGLY INSTALLS, REINSTALLS, DISTRIBUTES, OR SELLS ANY PREVIOUSLY DEPLOYED INFLATABLE RESTRAINT SYSTEM IS GUILTY OF A CLASS A MISDEMEANOR.

(B) (1) ANY PERSON WHO KNOWINGLY INSTALLS A COVER OVER A MISSING INFLATABLE RESTRAINT SYSTEM ANYWHERE IN A MOTOR VEHICLE WITHOUT GIVING THE OWNER OF THE MOTOR VEHICLE NOTICE ON THE REPAIR INVOICE IN WRITING OF SUCH MISSING INFLATABLE RESTRAINT SYSTEM IS GUILTY OF A CLASS A MISDEMEANOR. SUCH NOTICE SHALL BE IN A FORM PRESCRIBED BY THE COMMISSIONER OF MOTOR VEHICLES AND SHALL BE IN AT LEAST TEN POINT ALL CAPITAL TYPE, AND SHALL CLEARLY STATE: "NO AIR BAG INSTALLED" OR "NO AIR BAGS INSTALLED", AND SHALL CLEARLY INDICATE EXACTLY WHERE THE INFLATABLE RESTRAINT SYSTEM IS DESIGNED TO BE LOCATED IN THE VEHICLE.

(2) ANY PERSON WHO KNOWINGLY SELLS, RESELLS, TRANSFERS, GIVES, OR TRADES A MOTOR VEHICLE WITH A MISSING INFLATABLE RESTRAINT SYSTEM WITH-

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

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OUT GIVING THE PERSON TO WHOM THE MOTOR VEHICLE IS SOLD, RESOLD, TRANSFERRED, GIVEN, OR TRADED NOTICE THEREOF IN WRITING IS GUILTY OF A CLASS A MISDEMEANOR. SUCH NOTICE SHALL BE IN A FORM PRESCRIBED BY THE COMMISSIONER OF MOTOR VEHICLES AND SHALL BE IN AT LEAST TEN POINT ALL CAPITAL TYPE, AND SHALL CLEARLY STATE: "NO AIR BAG INSTALLED" OR "NO AIR BAGS INSTALLED", AND SHALL CLEARLY INDICATE EXACTLY WHERE THE INFLATABLE RESTRAINT SYSTEM IS DESIGNED TO BE LOCATED IN THE VEHICLE.

(C) ANY PERSON WHO KNOWINGLY INSTALLS ANY DEVICE, MECHANISM, PART, APPARATUS, OR CONTRIVANCE WHICH OVERRIDES THE READINESS INDICATOR LIGHT FOR AN INFLATABLE RESTRAINT SYSTEM, AS DEFINED IN SECTION ONE HUNDRED NINETEEN-B OF THE VEHICLE AND TRAFFIC LAW, IS GUILTY OF A CLASS A MISDEMEANOR.

S 2. Subdivision 1 of section 417-a of the vehicle and traffic law is amended by adding a new paragraph (c) to read as follows:

(C) UPON THE SALE OR TRANSFER OF TITLE BY A DEALER OF ANY PASSENGER MOTOR VEHICLE THAT THE DEALER KNOWS OR HAS REASON TO KNOW IS NOT EQUIPPED WITH AN INFLATABLE RESTRAINT SYSTEM, THE DEALER SHALL EXECUTE AND DELIVER TO THE BUYER AN INSTRUMENT IN WRITING IN A FORM PRESCRIBED BY THE COMMISSIONER SETTING FORTH THE FOLLOWING INFORMATION IN TEN POINT ALL CAPITAL TYPE: "IMPORTANT: THIS VEHICLE IS NOT EQUIPPED WITH AN AIRBAG." SUCH NOTICE SHALL FURTHER INDICATE EXACTLY WHERE THE INFLATABLE RESTRAINT SYSTEM IS DESIGNED TO BE LOCATED IN THE VEHICLE.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.