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

1627

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ZEBROWSKI, CAHILL, ESPAILLAT, FIELDS, GABRYSZAK, JAFFEE, MILLMAN, N. RIVERA -- Multi-Sponsored by -- M. of A. CHRISTENSEN, COOK, DelMONTE, EDDINGTON, GALEF, GUNTHER, KOON, LATIMER, MAGEE, MAISEL, MARKEY, McENENY, REILLY, WEISENBERG -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting companies from soliciting vehicle warranty policies to owners of motor vehicles

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

Section 1. The general business law is amended by adding a new section 399-oo to read as follows:

S 399-OO. DECEPTIVE SOLICITATION OF VEHICLE WARRANTY POLICIES. 1. IT SHALL BE UNLAWFUL FOR ANY COMPANY TO DIRECTLY OR INDIRECTLY REPRESENT IN ANY MANNER, WHETHER BY WRITTEN SOLICITATION OR TELEMARKETING, A FALSE, DECEPTIVE OR MISLEADING STATEMENT IN REGARD TO:

A. SUCH COMPANY'S AFFILIATION WITH A VEHICLE OWNER'S CURRENT WARRANTY POLICY PROVIDER;

B. SUCH COMPANY'S POSSESSION OF INFORMATION REGARDING SUCH VEHICLE OWNER'S WARRANTY POLICY;

C. THE EXPIRATION OF SUCH VEHICLE OWNER'S WARRANTY POLICY; OR

D. A REQUIREMENT THAT SUCH VEHICLE OWNER REGISTER FOR A NEW WARRANTY POLICY WITH SUCH COMPANY IN ORDER TO MAINTAIN COVERAGE OF SUCH VEHICLE OWNER'S CURRENT WARRANTY POLICY.

2. ANY COMPANY THAT KNOWINGLY VIOLATES ANY PROVISION OF THIS ACT SHALL BE SUBJECT TO A CIVIL FINE IN THE AMOUNT OF ONE THOUSAND DOLLARS FOR EACH VIOLATION.

S 2. Separability clause; construction. If any part or provision of this act or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment

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

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shall be confined in its operations to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this section or the application thereof to other persons or circumstances.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.