

3401

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 27, 2009

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Introduced by M. of A. ENGLEBRIGHT, FIELDS, J. RIVERA -- Multi-Sponsored  
by -- M. of A. CLARK, HOOPER, JOHN, MAISEL, McENENY, SWEENEY, TOWNS,  
WEISENBERG -- read once and referred to the Committee on Transporta-  
tion

AN ACT to amend the vehicle and traffic law, in relation to exempting,  
from the definition of "dealer", economically sustainable transporta-  
tion providers

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

1     Section 1. Paragraph a of subdivision 1 of section 415 of the vehicle  
2 and traffic law, as amended by chapter 7 of the laws of 2000, is amended  
3 to read as follows:  
4     a. "Dealer" means a person engaged in the business of buying, selling  
5 or dealing in motor vehicles, motorcycles or trailers, other than mobile  
6 homes or manufactured homes, at retail or wholesale; except, however,  
7 trailers with an unladen weight of less than one thousand pounds. For  
8 the purposes of this section, a "mobile home" or "manufactured home"  
9 means a mobile home or manufactured home as defined in section one  
10 hundred twenty-two-c of this chapter. Any person who sells, or offers  
11 for sale more than five motor vehicles, motorcycles or trailers in any  
12 calendar year or who displays or permits the display of three or more  
13 motor vehicles, motorcycles or trailers for sale at any one time or  
14 within any one calendar month upon premises owned or controlled by him  
15 OR HER, if such vehicles were purchased, acquired or otherwise obtained  
16 by such person for the purpose of resale, will be regarded as a dealer.  
17 Except as otherwise provided in subdivisions three, five, six-b, and  
18 seven of this section, the term "dealer" shall include a "new motor  
19 vehicle dealer" as defined by paragraph f of this subdivision and a  
20 "qualified dealer" as defined in paragraph g of this subdivision. FOR  
21 PURPOSES OF THIS SECTION, DEALER SHALL NOT MEAN OR INCLUDE AN ECONOM-  
22 ICALLY SUSTAINABLE TRANSPORTATION PROVIDER AS SUCH TERM IS DEFINED IN  
23 PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWO HUNDRED TWENTY-THREE OF  
24 THE ELDER LAW.  
25     S 2. This act shall take effect immediately.

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

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