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

3401

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 27, 2009

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 Transportation

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

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

Section 1. Paragraph a of subdivision 1 of section 415 of the vehicle and traffic law, as amended by chapter 7 of the laws of 2000, is amended to read as follows:

a. "Dealer" means a person engaged in the business of buying, selling or dealing in motor vehicles, motorcycles or trailers, other than mobile homes or manufactured homes, at retail or wholesale; except, however, trailers with an unladen weight of less than one thousand pounds. For the purposes of this section, a "mobile home" or "manufactured home" means a mobile home or manufactured home as defined in section one hundred twenty-two-c of this chapter. Any person who sells, or offers for sale more than five motor vehicles, motorcycles or trailers in any calendar year or who displays or permits the display of three or more motor vehicles, motorcycles or trailers for sale at any one time or within any one calendar month upon premises owned or controlled by him OR HER, if such vehicles were purchased, acquired or otherwise obtained by such person for the purpose of resale, will be regarded as a dealer. Except as otherwise provided in subdivisions three, five, six-b, and seven of this section, the term "dealer" shall include a "new motor vehicle dealer" as defined by paragraph f of this subdivision and a "qualified dealer" as defined in paragraph g of this subdivision. FOR PURPOSES OF THIS SECTION, DEALER SHALL NOT MEAN OR INCLUDE AN ECONOMICALLY SUSTAINABLE TRANSPORTATION PROVIDER AS SUCH TERM IS DEFINED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWO HUNDRED TWENTY-THREE OF THE ELDER LAW.

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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