

3796

2009-2010 Regular Sessions

I N S E N A T E

April 1, 2009

Introduced by Sen. MONSERRATE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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  
21 HELD RESPONSIBLE FOR ANY DAMAGE THAT MAY OCCUR WHILE THE HOLDER OR ITS  
22 AGENT IS IN PHYSICAL POSSESSION OF THE VEHICLE. PLEASE NOTE THAT THE  
23 HOLDER'S ITEMIZED APPRAISAL, WHICH IS PART OF A SEPARATE PROCESS FROM  
24 THIS VISUAL INSPECTION, MAY UNCOVER WEAR AND DAMAGE THAT IS NOT DOCU-

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

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1 MENTED ON THE VISUAL INSPECTION FORM FOR WHICH YOU MAY BE RESPONSIBLE  
2 PURSUANT TO THE TERMS AND CONDITIONS OF YOUR RETAIL LEASE AGREEMENT."  
3 S 2. This act shall take effect on the sixtieth day after it shall  
4 have become a law.