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

1191

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GANTT -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring actual consent to participation in franchise programs

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

Section 1. Subdivision 2 of section 463 of the vehicle and traffic law is amended by adding a new paragraph (hh) to read as follows:

(HH) TO REQUIRE THAT A FRANCHISED MOTOR VEHICLE DEALER CONTRIBUTE MONETARILY TO ANY PROGRAM OR PROMOTION WITHOUT FIRST RECEIVING THE WRITTEN CONSENT OF THE FRANCHISED MOTOR VEHICLE DEALER TO PARTICIPATE IN SUCH PROGRAM OR PROMOTION. FOR PURPOSES OF THIS PARAGRAPH, THE WRITTEN CONSENT SPECIFIC TO THE PARTICULAR PROGRAM OR PROMOTION MUST BE EXECUTED, BY MEANS OF HANDWRITTEN, TYPED OR ELECTRONIC SIGNATURE, WITHIN SIXTY DAYS PRIOR TO THE START OF THE PARTICULAR PROGRAM OR PROMOTION, PROVIDED, HOWEVER, THAT CONSENT SHALL NOT BE REQUIRED TO CONTINUE PARTICIPATION IN A PROGRAM OR PROMOTION TO WHICH THE DEALER HAS GIVEN WRITTEN CONSENT TO RENEWAL, AND PROVIDED FURTHER, THAT THE DEALER SHALL BE ABLE TO TERMINATE SUCH RENEWAL UPON REASONABLE WRITTEN NOTICE WITHIN THIRTY DAYS FOLLOWING THE START OR RENEWAL OF THE PROGRAM OR PROMOTION.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

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

LBD03020-01-1