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

723

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 Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to home or business visits to repair appliances or equipment

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 395-c to read as follows:

S 395-C. RELIANCE UPON THE ADVICE OF AN APPLIANCE REPAIR BUSINESS. IN ANY CASE WHERE A CONSUMER IS CHARGED FOR A WRITTEN ESTIMATE WHEREIN A PERSON ENGAGED IN THE BUSINESS OF REPAIRING HOUSEHOLD APPLIANCES PROVIDES A DETAILED STATEMENT ESTIMATING THE PARTS AND COSTS NECESSARY TO REPAIR SUCH AN APPLIANCE, AND RELYING UPON SUCH ESTIMATE THE CONSUMER PURCHASES SUCH PARTS, SUCH CONSUMER SHALL BE ENTITLED TO A FULL AND COMPLETE REFUND OF THE ESTIMATE CHARGE IN THE EVENT THE PART REMOVED FROM THE APPLIANCE WAS, IN FACT, IN GOOD WORKING CONDITION. ANY SUCH REPAIR BUSINESS SHALL BE DEEMED TO HAVE WARRANTED SUCH ESTIMATE AND RECOMMENDATIONS, AND SHALL BE LIABLE FOR ANY ACTUAL AND CONSEQUENTIAL DAMAGES INCURRED BY A CONSUMER WHO RELIED UPON SUCH ESTIMATE.

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.

LBD03232-01-1