

7946

I N S E N A T E

October 15, 2014

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general business law, in relation to the prohibition of the installation of starter interrupt devices on certain new and used motor vehicles

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 article 11-C to read as follows:

ARTICLE 11-C

STARTER INTERRUPT DEVICE INSTALLATION PROHIBITED

SECTION 199-O. DEFINITIONS.

199-P. VIOLATIONS.

199-Q. EXCEPTIONS.

199-R. CIVIL PENALTY.

199-S. RULES AND REGULATIONS.

199-T. ENFORCEMENT BY ATTORNEY GENERAL.

S 199-O. DEFINITIONS. THE FOLLOWING TERMS WHEN USED IN THIS ARTICLE, SHALL HAVE THE FOLLOWING MEANINGS:

1. "DEALER" AS DEFINED IN SECTION FOUR HUNDRED FIFTEEN OF THE VEHICLE AND TRAFFIC LAW.

2. "MOTOR VEHICLE" AS DEFINED IN SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW AND EXCLUDING CLASS A, B AND C LIMITED USE MOTORCYCLES AS DEFINED IN SECTION ONE HUNDRED TWENTY-ONE-B OF THE VEHICLE AND TRAFFIC LAW.

3. "STARTER INTERRUPT DEVICE" SHALL MEAN A DEVICE WHICH TRACKS A MOTOR VEHICLE PURCHASER'S OR LESSEE'S SCHEDULED PAYMENTS UNDER A FINANCING OR LEASE AGREEMENT AND PREVENTS THE VEHICLE FROM STARTING IF A SCHEDULED PAYMENT IS NOT RECEIVED BY ITS DUE DATE OR WITHIN ANY APPLICABLE GRACE PERIOD. SUCH DEVICE TYPICALLY REQUIRES THE CONSUMER TO ENTER A CODE FOR EACH PAYMENT PERIOD IN ORDER TO CONTINUE OPERATING THE VEHICLE. THE CONSUMER RECEIVES THE PAYMENT CODES THAT WILL ALLOW THE VEHICLE TO CONTINUE TO START FROM THE CREDITOR WHEN PAYMENT IS TENDERED. SUCH

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

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1 DEVICE MAY INCLUDE A GLOBAL POSITIONING SYSTEM (GPS) TRACKING CAPABILI-  
2 TY.

3 S 199-P. VIOLATIONS. NO NEW OR USED MOTOR VEHICLE DEALER OR LENDER  
4 SHALL BE PERMITTED TO INSTALL A STARTER INTERRUPT DEVICE ON A MOTOR  
5 VEHICLE PURCHASER'S OR LESSEE'S MOTOR VEHICLE.

6 S 199-Q. EXCEPTIONS. THE PROVISIONS THIS ARTICLE SHALL NOT APPLY TO  
7 ANY RENTAL VEHICLE COMPANY AS DEFINED IN PARAGRAPH (C) OF SUBDIVISION  
8 ONE OF SECTION THREE HUNDRED NINETY-SIX-Z OF THIS CHAPTER.

9 S 199-R. CIVIL PENALTY. A KNOWING VIOLATION OF THIS SECTION SHALL BE  
10 PUNISHABLE BY A FINE NOT TO EXCEED FIVE THOUSAND DOLLARS.

11 S 199-S. RULES AND REGULATIONS. THE COMMISSIONER OF THE DEPARTMENT OF  
12 MOTOR VEHICLES, IN CONJUNCTION WITH THE ATTORNEY GENERAL, SHALL PROMUL-  
13 GATE SUCH RULES AND REGULATIONS AS SHALL BE NECESSARY TO IMPLEMENT THE  
14 PROVISIONS OF THIS ARTICLE.

15 S 199-T. ENFORCEMENT BY ATTORNEY GENERAL. WHENEVER THERE SHALL BE A  
16 VIOLATION OF THIS ARTICLE, AN APPLICATION MAY BE MADE BY THE ATTORNEY  
17 GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO A COURT OF  
18 COMPETENT JURISDICTION BY A SPECIAL PROCEEDING FOR THE IMPOSITION OF A  
19 FINE AND THE ISSUANCE OF AN INJUNCTION AGAINST ANY VIOLATION OF THIS  
20 ARTICLE, UPON NOTICE TO THE RENTAL VEHICLE COMPANY OF NOT LESS THAN FIVE  
21 DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH VIOLATIONS; AND IF  
22 IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE  
23 DEFENDANT HAS, IN FACT, VIOLATED THIS ARTICLE, AN INJUNCTION MAY BE  
24 ISSUED BY SUCH COURT OR JUSTICE, ENJOINING AND RESTRAINING ANY FURTHER  
25 VIOLATION, WITHOUT REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN  
26 INJURED OR DAMAGED THEREBY. IN ANY SUCH PROCEEDING, THE COURT MAY MAKE  
27 ALLOWANCES TO THE ATTORNEY GENERAL AS PROVIDED IN PARAGRAPH SIX OF  
28 SUBDIVISION (A) OF SECTION EIGHTY-THREE HUNDRED THREE OF THE CIVIL PRAC-  
29 TICE LAW AND RULES, AND DIRECT RESTITUTION. WHENEVER THE COURT SHALL  
30 DETERMINE THAT A VIOLATION OF THIS ARTICLE HAS OCCURRED, THE COURT SHALL  
31 IMPOSE A CIVIL PENALTY OF NOT MORE THAN FIVE THOUSAND DOLLARS FOR EACH  
32 VIOLATION. IN CONNECTION WITH ANY SUCH PROPOSED APPLICATION, THE ATTOR-  
33 NEY GENERAL IS AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE  
34 RELEVANT FACT AND TO ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRAC-  
35 TICE LAW AND RULES.

36 S 2. This act shall take effect on the one hundred eightieth day after  
37 it shall have become a law.