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

S. 320--A A. 100--A

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2015

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE, SCHIMEL -- read once and referred to the Committee on Consumer Affairs and Protection -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to providing that new passenger-type motor vehicles shall be offered for sale with a spare tire and jack

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 198-d to read as follows:

S 198-D. SPARE TIRE AND JACK REQUIRED. (A) EVERY NEW PASSENGER-TYPE MOTOR VEHICLE, EXCEPT A MOTORCYCLE, MANUFACTURED FOR SALE IN NEW YORK STATE ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN SHALL BE OFFERED FOR SALE WITH A SPARE TIRE AND JACK. FOR PURPOSES OF THIS SECTION:

(1) "PASSENGER-TYPE MOTOR VEHICLE" SHALL MEAN ANY MOTOR VEHICLE WITH A SEATING CAPACITY OF NOT MORE THAN EIGHT ADULTS;

(2) "SPARE TIRE" SHALL MEAN A TIRE MOUNTED ON A WHEEL AND INFLATED, WHICH IS EITHER ATTACHED TO THE OUTSIDE OF THE MOTOR VEHICLE OR STOWED IN A COMPARTMENT WITHIN SUCH MOTOR VEHICLE. A SPARE TIRE MAY BE A FULL-SIZE TIRE OR A TEMPORARY TIRE, COMMONLY REFERRED TO AS A "DONUT"; AND

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

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(3) "JACK" SHALL MEAN A DEVICE CAPABLE OF RAISING OR LIFTING A MOTOR VEHICLE FOR THE PURPOSE OF CHANGING ANY TIRE ON SUCH MOTOR VEHICLE.

(B) ANY VIOLATION OF THE PROVISIONS OF THIS SECTION BY ANY MANUFACTURER OF MOTOR VEHICLES SHALL CONSTITUTE AN OFFENSE AND SHALL BE PUNISHABLE BY A CIVIL FINE OF NOT MORE THAN SEVEN HUNDRED FIFTY DOLLARS FOR EACH OFFENSE.

(C) ANY BUYER OF A MOTOR VEHICLE THAT IS SUBJECT TO THE PROVISIONS OF THIS SECTION MAY WAIVE THE REQUIREMENT SET FORTH IN SUBDIVISION (A) OF THIS SECTION, PROVIDED THAT THE WAIVER IS MADE IN WRITING AND A COPY OF SUCH WAIVER CONTAINING THE BUYER'S SIGNATURE IS PROVIDED TO SUCH BUYER.

S 2. This act shall take effect immediately.