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

4125

2015-2016 Regular Sessions

I N A S S E M B L Y

January 29, 2015

Introduced by M. of A. DenDEKKER, BENEDETTO, DINOWITZ, COOK, BUCHWALD, MONTESANO, ROBINSON, HOOPER, GALEF, GRAF, WEPRIN -- Multi-Sponsored by -- M. of A. GOTTFRIED, SEPULVEDA -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring motor vehicle dealers to search for recalls prior to selling a used motor vehicle

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. USED MOTOR VEHICLES; RECALLS. 1. FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING WORDS SHALL HAVE THE FOLLOWING MEANINGS:

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

(B) "USED MOTOR VEHICLE" MEANS ANY VEHICLE WHICH IS NOT DEEMED A "NEW MOTOR VEHICLE" PURSUANT TO PARAGRAPH H OF SUBDIVISION ONE OF SECTION FOUR HUNDRED FIFTEEN OF THE VEHICLE AND TRAFFIC LAW.

2. PRIOR TO OFFERING A CONTRACT FOR SALE OF A USED MOTOR VEHICLE AT RETAIL, THE DEALER, OR HIS OR HER AGENT, SHALL MAKE A GOOD FAITH EFFORT TO DETERMINE WHETHER A MANUFACTURER HAS ISSUED ANY RECALL APPLICABLE TO SUCH USED MOTOR VEHICLE. UPON DETERMINING THAT A MANUFACTURER HAS ISSUED ANY RECALL APPLICABLE TO SUCH USED MOTOR VEHICLE, A DEALER, OR HIS OR HER AGENT, MUST:

(A) MAKE OR CAUSE REPAIRS TO BE MADE PURSUANT TO THE MANUFACTURER'S RECALL SUCH THAT THE RECALL IS SATISFIED; OR

(B) PROVIDE THE PROSPECTIVE BUYER, IN A SEPARATE WRITTEN NOTICE, A LISTING OF ANY AND ALL MANUFACTURER'S RECALLS APPLICABLE TO SUCH USED MOTOR VEHICLE.

S 2. This act shall take effect immediately.

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

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