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

703

2015-2016 Regular Sessions

I N A S S E M B L Y

January 7, 2015

Introduced by M. of A. MILLER -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring tire and rim serial numbers for motor vehicles and motor cycle 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 section 198-d to read as follows:

S 198-D. TIRE AND RIM SERIAL NUMBERS. 1. NO MOTOR VEHICLE TIRES, MOTOR CYCLE TIRES, MOTOR VEHICLE RIMS, OR MOTOR CYCLE RIMS MANUFACTURED OR ASSEMBLED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL BE SOLD OR OFFERED FOR SALE IN THIS STATE UNLESS IT HAS AN IDENTIFYING SERIAL NUMBER THAT DISTINGUISHES THAT TIRE OR RIM FROM ALL OTHER TIRES OR RIMS OF THE SAME BRAND OR MODEL PERMANENTLY AND VISIBLY ENGRAVED, STAMPED OR LABELED IN READILY LEGIBLE BOLDFACED FIGURES IN SUCH A MANNER THAT THE SERIAL NUMBER WILL BE READILY VISIBLE AND THAT, IN THE CASE OF LABELING, SUCH LABEL CANNOT BE REMOVED WITHOUT BEING DEFACED OR DESTROYED.

2. ANY PERSON, CORPORATION, ASSOCIATION OR PARTNERSHIP WHO ASSEMBLES, DISTRIBUTES OR MANUFACTURES SUCH TIRES OR RIMS ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, IN VIOLATION OF SUBDIVISION ONE OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED THREE HUNDRED DOLLARS. IN ADDITION TO ANY OTHER PENALTY AS PROVIDED BY LAW, ANY PERSON WHO INTENTIONALLY ALTERS, CONCEALS, DEFACES, DESTROYS, OR REMOVES SUCH SERIAL NUMBER WITH THE INTENT TO DEPRIVE THE RIGHTFUL OWNER OF LAWFUL POSSESSION SHALL BE GUILTY OF A VIOLATION PUNISHABLE BY A FINE NOT TO EXCEED THREE HUNDRED DOLLARS.

3. NO PERSON REGULARLY ENGAGED IN THE BUSINESS OF MANUFACTURE, DISTRIBUTION, OR RETAIL SALE OF SUCH TIRES OR RIMS SHALL BE DEEMED TO HAVE VIOLATED THE PROVISIONS OF THIS SECTION IF SUCH PERSON SHOWS BY A PREPONDERANCE OF EVIDENCE THAT THE VIOLATION WAS NOT INTENTIONAL AND

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

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RESULTED FROM BONA FIDE ERROR MADE NOTWITHSTANDING THE MAINTENANCE OF PROCEDURES REASONABLY ADOPTED TO AVOID ANY SUCH ERROR.

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