

7985

2015-2016 Regular Sessions

I N   A S S E M B L Y

June 3, 2015

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Introduced by M. of A. DenDEKKER -- read once and referred to the  
Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring  
retail motor vehicle dealers to disclose to purchasers any markups in  
the cost of a motor vehicle as the result of financing the cost there-  
of; and to amend the financial services law, in relation to authoriz-  
ing the financial frauds and consumer protection unit to study motor  
vehicle dealer price markups

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 415 of the vehicle and traffic law is amended by  
2     adding a new subdivision 3-a to read as follows:  
3     3-A. RETAIL DEALER FINANCING MARKUP. A. EVERY RETAIL DEALER SHALL  
4     DISCLOSE TO EACH PURCHASER OF A MOTOR VEHICLE, AT THE TIME OF SALE, ANY  
5     MARKUPS IN THE COST OF SUCH MOTOR VEHICLE RELATED TO THE ENTRY INTO A  
6     RETAIL INSTALLMENT CONTRACT, LOAN AGREEMENT OR OTHER FINANCING AGREEMENT  
7     FOR THE VEHICLE PURSUANT TO ARTICLE NINE OF THE PERSONAL PROPERTY LAW.  
8     THE FAILURE OF ANY RETAIL DEALER TO COMPLY WITH THE PROVISIONS OF THIS  
9     PARAGRAPH SHALL BE GROUNDS FOR THE DEPARTMENT TO SUSPEND OR REVOKE THE  
10    REGISTRATION ISSUED TO SUCH DEALER PURSUANT TO THIS SECTION.  
11    B. UPON VIOLATION OF THE PROVISIONS OF PARAGRAPH A OF THIS SUBDIVI-  
12    SION, AN AGGRIEVED PURCHASER SHALL BE ENTITLED TO COMPENSATORY DAMAGES  
13    EQUAL TO THE FINANCING MARKUP, AND REASONABLE ATTORNEY'S FEES.  
14    S 2. Section 404 of the financial services law is amended by adding a  
15    new subsection (d) to read as follows:  
16    (D)(1) THE FINANCIAL FRAUDS AND CONSUMER PROTECTION UNIT IS AUTHORIZED  
17    TO CONDUCT A STUDY OF THE PATTERNS AND PRACTICES OF MOTOR VEHICLE PRICE  
18    MARKUPS BY MOTOR VEHICLE DEALERS TO IDENTIFY PROBLEMATIC PRACTICES  
19    INCLUDING, BUT NOT LIMITED TO, RACE DISCRIMINATION, AND MAKE RECOMMENDA-  
20    TIONS FOR THE ELIMINATION OF SUCH PROBLEMATIC PRACTICES.

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

LBD10926-02-5

1       (2) THE FINANCIAL FRAUDS AND CONSUMER PROTECTION UNIT SHALL SUBMIT THE  
2 FINDINGS AND RECOMMENDATIONS OF ITS STUDY, CONDUCTED PURSUANT TO PARA-  
3 GRAPH ONE OF THIS SUBSECTION, TO THE GOVERNOR, THE TEMPORARY PRESIDENT  
4 OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE CHAIRS OF THE SENATE  
5 AND ASSEMBLY BANKS COMMITTEES.

6       S 3. This act shall take effect on the first of January next succeed-  
7 ing the date on which it shall have become a law.