

5209

2015-2016 Regular Sessions

I N S E N A T E

May 7, 2015

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer 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:

- 1 Section 1. The general business law is amended by adding a new section
2 198-d to read as follows:
3 S 198-D. USED MOTOR VEHICLES; RECALLS. 1. FOR THE PURPOSE OF THIS
4 SECTION, THE FOLLOWING WORDS SHALL HAVE THE FOLLOWING MEANINGS:
5 (A) "DEALER" AS DEFINED IN SECTION FOUR HUNDRED FIFTEEN OF THE VEHICLE
6 AND TRAFFIC LAW.
7 (B) "USED MOTOR VEHICLE" MEANS ANY VEHICLE WHICH IS NOT DEEMED A "NEW
8 MOTOR VEHICLE" PURSUANT TO PARAGRAPH H OF SUBDIVISION ONE OF SECTION
9 FOUR HUNDRED FIFTEEN OF THE VEHICLE AND TRAFFIC LAW.
10 2. PRIOR TO OFFERING A CONTRACT FOR SALE OF A USED MOTOR VEHICLE AT
11 RETAIL, THE DEALER, OR HIS OR HER AGENT, SHALL MAKE A GOOD FAITH EFFORT
12 TO DETERMINE WHETHER A MANUFACTURER HAS ISSUED ANY RECALL APPLICABLE TO
13 SUCH USED MOTOR VEHICLE. UPON DETERMINING THAT A MANUFACTURER HAS ISSUED
14 ANY RECALL APPLICABLE TO SUCH USED MOTOR VEHICLE, A DEALER, OR HIS OR
15 HER AGENT, MUST:
16 (A) MAKE OR CAUSE REPAIRS TO BE MADE PURSUANT TO THE MANUFACTURER'S
17 RECALL SUCH THAT THE RECALL IS SATISFIED; OR
18 (B) PROVIDE THE PROSPECTIVE BUYER, IN A SEPARATE WRITTEN NOTICE, A
19 LISTING OF ANY AND ALL MANUFACTURER'S RECALLS APPLICABLE TO SUCH USED
20 MOTOR VEHICLE.
21 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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