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

5484--B

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sens. SAVINO, KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the personal property law, in relation to establishing the automobile sales protection act

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

Section 1. Article 12 and sections 550 and 551 of the personal property law, as renumbered by chapter 792 of the laws of 1986, are renumbered article 13 and sections 600 and 601, respectively, and a new article 12 is added to read as follows:

ARTICLE 12

AUTOMOBILE SALES PROTECTION ACT

SECTION 550. COOLING-OFF PERIOD FOR ALL USED CAR SALES MADE AT DEALERSHIPS.

551. COOLING-OFF PERIOD DISCLOSURE.

552. ATTORNEY'S FEES.

S 550. COOLING-OFF PERIOD FOR ALL USED CAR SALES MADE AT DEALERSHIPS. 1. PURCHASERS OF USED VEHICLES AT CAR DEALERS SHALL HAVE A THREE DAY COOLING-OFF PERIOD TO BEGIN AT THE CLOSE OF THE SALE, WHEN THE PURCHASER TAKES THE VEHICLE OFF THE LOT. THIS COOLING-OFF PERIOD SHALL NOT APPLY TO PURCHASES OF NEW VEHICLES. DURING THIS PERIOD, THE CONSUMER MAY RETURN THE USED VEHICLE TO THE DEALER AT ANY TIME, FOR ANY REASON, FOR A FULL REFUND OF THE PURCHASE PRICE, CANCELLATION OF ANY FINANCING, AND A RETURN OF THEIR TRADE-IN, OR ALTERNATIVELY, THE TRADE-IN'S FAIR MARKET PRIVATE SALE VALUE. THE DEALER MUST RETURN THE TRADE-IN IF IT IS STILL AVAILABLE.

2. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY TO:

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

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(A) ANY USED VEHICLE THAT IS DAMAGED IN ANY WAY DURING THE COOLING-OFF PERIOD, AT WHICH TIME THE SALE SHALL BE DEEMED FINAL;

(B) ANY USED VEHICLE THAT IS MATERIALLY ALTERED OR MODIFIED; OR

(C) ANY USED VEHICLE THAT IS OPERATED MORE THAN TWO HUNDRED FIFTY MILES DURING THE COOLING-OFF PERIOD.

S 551. COOLING-OFF PERIOD DISCLOSURE. 1. THE COMMISSIONER OF MOTOR VEHICLES SHALL ESTABLISH AND DISTRIBUTE A DISCLOSURE STATEMENT INFORMING PURCHASERS OF USED MOTOR VEHICLES OF THEIR RIGHTS PURSUANT TO THIS ARTICLE.

2. PRIOR TO THE DELIVERY OF ANY USED MOTOR VEHICLE PURCHASED FROM A DEALER, SUCH DEALER SHALL PROVIDE THE PURCHASER WITH THE DISCLOSURE STATEMENT ESTABLISHED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, AND BOTH THE DEALER AND THE PURCHASER SHALL SIGN SUCH STATEMENT.

S 552. ATTORNEY'S FEES. ANY PREVAILING PLAINTIFF UNDER THIS ARTICLE SHALL BE ENTITLED TO REASONABLE ATTORNEY'S FEES TO BE PAID BY THE DEFENDANT.

S 2. This act shall take effect on the sixtieth day after it shall have become a law; provided that, effective immediately, the commissioner of motor vehicles is authorized to take any actions necessary to implement the provisions of this act on its effective date on or before such date.