

5992

2015-2016 Regular Sessions

I N S E N A T E

June 17, 2015

Introduced by Sen. GOLDEN -- (at request of the Department of Motor Vehicles) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, in relation to negligence in the operation of a motor vehicle which is attributable to an owner

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

- 1 Section 1. Section 388 of the vehicle and traffic law is amended by
2 adding a new subdivision 5 to read as follows:
3 5. (A) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, AN OWNER OF A
4 MOTOR VEHICLE, OR AN AFFILIATE OF THE OWNER, THAT LOANS THE MOTOR VEHICLE TO A PERSON, WITHOUT A FEE, SHALL NOT BE LIABLE OR RESPONSIBLE FOR
5 DEATH OR INJURY TO PERSONS OR PROPERTY THAT RESULTS OR ARISES OUT OF THE
6 USE, OPERATION OR POSSESSION OF THE VEHICLE DURING THE PERIOD OF THE
7 LOAN, IF:
8 (1) THE OWNER, OR THE AFFILIATE OF THE OWNER, IS A NEW CAR DEALER;
9 (2) THERE IS NO NEGLIGENCE OR CRIMINAL WRONGDOING ON THE PART OF THE
10 OWNER OR AN AFFILIATE OF THE OWNER; AND
11 (3) THE MOTOR VEHICLE HAS BEEN LOANED OUT BY THE NEW CAR DEALER TO A
12 CUSTOMER OF THE NEW CAR DEALER, WITHOUT A FEE, WHILE THE CUSTOMER'S
13 MOTOR VEHICLE IS BEING SERVICED OR REPAIRED BY THE NEW CAR DEALER.
14 (B) IN THIS SUBDIVISION:
15 (1) "AFFILIATE" MEANS A PERSON OTHER THAN THE OWNER WHO DIRECTLY OR
16 INDIRECTLY CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH,
17 THE OWNER. AS USED IN THIS SUBPARAGRAPH, THE TERM "CONTROL" MEANS THE
18 POWER TO DIRECT THE MANAGEMENT AND POLICIES OF A PERSON WHETHER THROUGH
19 OWNERSHIP OF VOTING SECURITIES OR OTHERWISE.
20 (2) "NEW CAR DEALER" SHALL HAVE THE MEANING ASCRIBED BY PARAGRAPH F OF
21 SUBDIVISION ONE OF SECTION FOUR HUNDRED FIFTEEN OF THIS CHAPTER.
22 S 2. This act shall take effect immediately.
23

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

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