

3463

2015-2016 Regular Sessions

I N A S S E M B L Y

January 23, 2015

Introduced by M. of A. GUNTHER, GOTTFRIED, ABINANTI, BENEDETTO, GALEF, ENGLEBRIGHT, OTIS, JAFFEE, McDONOUGH, TENNEY -- Multi-Sponsored by -- M. of A. CERETTO, MAGEE, MAYER, SKARTADOS, TITONE -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to the prohibition of the installation of starter interrupt devices on certain new and used motor vehicles

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 article
2 11-C to read as follows:

3 ARTICLE 11-C

4 STARTER INTERRUPT DEVICE INSTALLATION PROHIBITED

5 SECTION 199-O. DEFINITIONS.

6 199-P. VIOLATIONS.

7 199-Q. EXCEPTIONS.

8 199-R. CIVIL PENALTY.

9 199-S. RULES AND REGULATIONS.

10 199-T. ENFORCEMENT BY ATTORNEY GENERAL.

11 S 199-O. DEFINITIONS. THE FOLLOWING TERMS WHEN USED IN THIS ARTICLE,
12 SHALL HAVE THE FOLLOWING MEANINGS:

13 1. "DEALER" AS DEFINED IN SECTION FOUR HUNDRED FIFTEEN OF THE VEHICLE
14 AND TRAFFIC LAW.

15 2. "MOTOR VEHICLE" AS DEFINED IN SECTION ONE HUNDRED TWENTY-FIVE OF
16 THE VEHICLE AND TRAFFIC LAW AND EXCLUDING CLASS A, B AND C LIMITED USE
17 MOTORCYCLES AS DEFINED IN SECTION ONE HUNDRED TWENTY-ONE-B OF THE VEHI-
18 CLE AND TRAFFIC LAW.

19 3. "STARTER INTERRUPT DEVICE" SHALL MEAN A DEVICE WHICH TRACKS A MOTOR
20 VEHICLE PURCHASER'S OR LESSEE'S SCHEDULED PAYMENTS UNDER A FINANCING OR
21 LEASE AGREEMENT AND PREVENTS THE VEHICLE FROM STARTING IF A SCHEDULED
22 PAYMENT IS NOT RECEIVED BY ITS DUE DATE OR WITHIN ANY APPLICABLE GRACE

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

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1 PERIOD. SUCH DEVICE TYPICALLY REQUIRES THE CONSUMER TO ENTER A CODE FOR
2 EACH PAYMENT PERIOD IN ORDER TO CONTINUE OPERATING THE VEHICLE. THE
3 CONSUMER RECEIVES THE PAYMENT CODES THAT WILL ALLOW THE VEHICLE TO
4 CONTINUE TO START FROM THE CREDITOR WHEN PAYMENT IS TENDERED. SUCH
5 DEVICE MAY INCLUDE A GLOBAL POSITIONING SYSTEM (GPS) TRACKING CAPABILITY.
6

7 S 199-P. VIOLATIONS. NO NEW OR USED MOTOR VEHICLE DEALER OR LENDER
8 SHALL BE PERMITTED TO INSTALL A STARTER INTERRUPT DEVICE ON A MOTOR
9 VEHICLE PURCHASER'S OR LESSEE'S MOTOR VEHICLE.

10 S 199-Q. EXCEPTIONS. THE PROVISIONS THIS ARTICLE SHALL NOT APPLY TO
11 ANY RENTAL VEHICLE COMPANY AS DEFINED IN PARAGRAPH (C) OF SUBDIVISION
12 ONE OF SECTION THREE HUNDRED NINETY-SIX-Z OF THIS CHAPTER.

13 S 199-R. CIVIL PENALTY. A KNOWING VIOLATION OF THIS SECTION SHALL BE
14 PUNISHABLE BY A FINE NOT TO EXCEED FIVE THOUSAND DOLLARS.

15 S 199-S. RULES AND REGULATIONS. THE COMMISSIONER OF THE DEPARTMENT OF
16 MOTOR VEHICLES, IN CONJUNCTION WITH THE ATTORNEY GENERAL, SHALL PROMUL-
17 GATE SUCH RULES AND REGULATIONS AS SHALL BE NECESSARY TO IMPLEMENT THE
18 PROVISIONS OF THIS ARTICLE.

19 S 199-T. ENFORCEMENT BY ATTORNEY GENERAL. WHENEVER THERE SHALL BE A
20 VIOLATION OF THIS ARTICLE, AN APPLICATION MAY BE MADE BY THE ATTORNEY
21 GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO A COURT OF
22 COMPETENT JURISDICTION BY A SPECIAL PROCEEDING FOR THE IMPOSITION OF A
23 FINE AND THE ISSUANCE OF AN INJUNCTION AGAINST ANY VIOLATION OF THIS
24 ARTICLE, UPON NOTICE TO THE RENTAL VEHICLE COMPANY OF NOT LESS THAN FIVE
25 DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH VIOLATIONS; AND IF
26 IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE
27 DEFENDANT HAS, IN FACT, VIOLATED THIS ARTICLE, AN INJUNCTION MAY BE
28 ISSUED BY SUCH COURT OR JUSTICE, ENJOINING AND RESTRAINING ANY FURTHER
29 VIOLATION, WITHOUT REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN
30 INJURED OR DAMAGED THEREBY. IN ANY SUCH PROCEEDING, THE COURT MAY MAKE
31 ALLOWANCES TO THE ATTORNEY GENERAL AS PROVIDED IN PARAGRAPH SIX OF
32 SUBDIVISION (A) OF SECTION EIGHTY-THREE HUNDRED THREE OF THE CIVIL PRAC-
33 TICE LAW AND RULES, AND DIRECT RESTITUTION. WHENEVER THE COURT SHALL
34 DETERMINE THAT A VIOLATION OF THIS ARTICLE HAS OCCURRED, THE COURT SHALL
35 IMPOSE A CIVIL PENALTY OF NOT MORE THAN FIVE THOUSAND DOLLARS FOR EACH
36 VIOLATION. IN CONNECTION WITH ANY SUCH PROPOSED APPLICATION, THE ATTOR-
37 NEY GENERAL IS AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE
38 RELEVANT FACT AND TO ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRAC-
39 TICE LAW AND RULES.

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