

1547--A

2015-2016 Regular Sessions

I N S E N A T E

January 13, 2015

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. (A) "STARTER INTERRUPT DEVICE" SHALL MEAN A DEVICE WHICH TRACKS A
20 MOTOR VEHICLE PURCHASER'S OR LESSEE'S SCHEDULED PAYMENTS UNDER A FINANC-
21 ING OR LEASE AGREEMENT AND PREVENTS THE VEHICLE FROM STARTING IF A SCHE-
22 DULED PAYMENT IS NOT RECEIVED BY ITS DUE DATE OR WITHIN ANY APPLICABLE

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

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1 GRACE PERIOD. SUCH DEVICE TYPICALLY REQUIRES THE CONSUMER TO ENTER A
2 CODE FOR EACH PAYMENT PERIOD IN ORDER TO CONTINUE OPERATING THE VEHICLE.
3 THE 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 GPS TRACKING DEVICES THAT ARE SEPARATE FROM, AND INDEPENDENT OF,
7 STARTER INTERRUPT DEVICES SHALL BE EXEMPT FROM THIS PROHIBITION.

8 (B) "STARTER INTERRUPT DEVICE" SHALL NOT MEAN ANY IGNITION INTERLOCK
9 DEVICE WHOSE INSTALLATION AND USE IS MANDATED BY COURT ORDER, OR ANY
10 IGNITION INTERLOCK DEVICE WHOSE SOLE PURPOSE IS TO PREVENT DRIVING UNDER
11 THE INFLUENCE OR REPORTING ATTEMPTED DRIVING UNDER THE INFLUENCE. "STAR-
12 TER INTERRUPT DEVICE" SHALL NOT MEAN ANY AFTER MARKET CONSUMER-INSTALLED
13 OR MANUFACTURER-INSTALLED REMOTE DISABLING DEVICE, PROVIDED THAT THESE
14 DEVICES SHALL ONLY BE USED IN THE EVENT OF THEFT BY A THIRD PARTY AND
15 NOT FOR PURPOSES OF REPOSSESSION BY A LENDER OR SELLER. BUYERS MAY NOT
16 CONSENT TO USE THESE DEVICES FOR THE PURPOSES OF REPOSSESSION.

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

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

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

25 S 199-S. RULES AND REGULATIONS. THE COMMISSIONER OF THE DEPARTMENT OF
26 MOTOR VEHICLES, IN CONJUNCTION WITH THE ATTORNEY GENERAL, SHALL PROMUL-
27 GATE SUCH RULES AND REGULATIONS AS SHALL BE NECESSARY TO IMPLEMENT THE
28 PROVISIONS OF THIS ARTICLE.

29 S 199-T. ENFORCEMENT BY ATTORNEY GENERAL. WHENEVER THERE SHALL BE A
30 VIOLATION OF THIS ARTICLE, AN APPLICATION MAY BE MADE BY THE ATTORNEY
31 GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO A COURT OF
32 COMPETENT JURISDICTION BY A SPECIAL PROCEEDING FOR THE IMPOSITION OF A
33 FINE AND THE ISSUANCE OF AN INJUNCTION AGAINST ANY VIOLATION OF THIS
34 ARTICLE, UPON NOTICE TO THE DEFENDANT OF NOT LESS THAN FIVE DAYS, TO
35 ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH VIOLATIONS; AND IF IT SHALL
36 APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE DEFENDANT
37 HAS, IN FACT, VIOLATED THIS ARTICLE, AN INJUNCTION MAY BE ISSUED BY SUCH
38 COURT OR JUSTICE, ENJOINING AND RESTRAINING ANY FURTHER VIOLATION, WITH-
39 OUT REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN INJURED OR
40 DAMAGED THEREBY. IN ANY SUCH PROCEEDING, THE COURT MAY MAKE ALLOWANCES
41 TO THE ATTORNEY GENERAL AS PROVIDED IN PARAGRAPH SIX OF SUBDIVISION (A)
42 OF SECTION EIGHTY-THREE HUNDRED THREE OF THE CIVIL PRACTICE LAW AND
43 RULES, AND DIRECT RESTITUTION. WHENEVER THE COURT SHALL DETERMINE THAT A
44 VIOLATION OF THIS ARTICLE HAS OCCURRED, THE COURT SHALL IMPOSE A CIVIL
45 PENALTY OF NOT MORE THAN FIVE THOUSAND DOLLARS FOR EACH VIOLATION. IN
46 CONNECTION WITH ANY SUCH PROPOSED APPLICATION, THE ATTORNEY GENERAL IS
47 AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE RELEVANT FACT
48 AND TO ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND
49 RULES.

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