STATE OF NEW YORK

3305

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law and the vehicle and traffic law, in relation to requiring dealers to provide written notice that a motor vehicle for sale is missing an airbag

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "Anthony Amoros law".

§ 2. The general business law is amended by adding a new section 349-e-1 to read as follows:

§ 349-e-1. Missing airbags. 1. As used in this section:

(a) "Airbag" means any component of an inflatable restraint system, as such term is defined in section one hundred nineteen-b of the vehicle and traffic law, and that is designed for the specific make, model, and year of the motor vehicle to be installed and to operate in the event of a crash. Airbag components include but are not limited to the cover, sensors, controllers, inflator, wiring, and the airbag itself.

(b) "Motor vehicle" means any used passenger car manufactured on or after September first, nineteen hundred ninety-seven.

(c) "Dealer" means a dealer as defined in section four hundred fifteen of the vehicle and traffic law.

2. No dealer shall knowingly sell a motor vehicle at retail without an airbag unless written notice of such fact is provided to the buyer or recipient. The written notice shall include a statement that acknowledges the absence of an airbag in the motor vehicle and which airbag is missing.

3. A dealer who violates the provisions of this section shall be guilty of a violation punishable as provided in the penal law.

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

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4. Nothing in this section shall in any way limit rights or remedies which are otherwise available under law to the attorney general or any other person authorized to bring an action under this section.

§ 3. Subparagraph (b) of paragraph 1 of subdivision (c) of section 301 of the vehicle and traffic law, as added by chapter 161 of the laws of 1996, is amended to read as follows:

(b) In the case of any passenger car manufactured on or after September first, nineteen hundred ninety-seven, during the course of the vehicle safety inspection, the readiness of the inflatable restraint system, by means of the readiness indicator, shall be noted on the invoice supplied to the consumer. **The invoice shall state that lack of readiness of the inflatable restraint system may indicate that the vehicle's system is non-functional or missing. The consumer must place their initials next to the statement demonstrating that they have read and understood the statement.** The system's lack of readiness shall not be considered grounds for the vehicle to fail the safety inspection provided for in subparagraph (a) of this paragraph.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law.