

STATE OF NEW YORK

4470--A

R. R. 257

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. ZEBROWSKI, PAULIN, GALEF, WILLIAMS, GUNTHER, COOK, DINOWITZ, MOSLEY, ORTIZ, JAFFEE, BUCHWALD, BLAKE, GOTTFRIED, VANEL, WALSH, RAIA, FINCH, MONTESANO -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, CAHILL, ENGLEBRIGHT, GIGLIO, HEVESI, JEAN-PIERRE, McDONOUGH, PALMESANO, SIMON -- read once and referred to the Committee on Transportation -- reference changed to the Committee on Consumer Affairs and Protection -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the general business law, in relation to missing or non-functioning airbags in certain vehicles

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

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

3 § 2. Subdivision 3 of section 23 of the general business law is
4 amended by adding a new paragraph f to read as follows:

5 f. (1) No motor vehicle, which has been manufactured on or after
6 September first, nineteen hundred ninety-seven, shall be sold by an
7 automobile auctioneer unless he or she has disclosed to the buyer wheth-
8 er the vehicle is missing an inflatable restraint system or contains a
9 non-functioning inflatable restraint system. If the vehicle is missing
10 an inflatable restraint system or contains a non-functioning inflatable
11 restraint system the disclosure of the status of the vehicle's inflata-
12 ble restraint system shall be made by the auctioneer (i) in a written
13 disclosure made in not less than ten-point bold face type and appearing
14 on the front of the sales contract, receipt, invoice, or other document
15 used in connection with the sale of the vehicle that shall set forth
16 whether the vehicle is missing an inflatable restraint system or
17 contains a non-functioning inflatable restraint system; and (ii) by

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

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1 affixing a conspicuous sign to the windshield of each vehicle offered
2 for sale, sold or made available for inspection prior to auction that
3 shall disclose that the vehicle either is missing an inflatable
4 restraint system or contains a non-functioning inflatable restraint
5 system.

6 (2) Receipt of notice pursuant to this paragraph shall not in any way
7 bar, preclude or foreclose any action for personal injury or wrongful
8 death by or on behalf of any person, nor in any way diminish, reduce or
9 be used to mitigate or diminish the damages recoverable in any such
10 action, nor shall receipt of notice be used as evidence of culpable
11 conduct in any action for personal injury or wrongful death.

12 § 3. This act shall take effect immediately.