STATE OF NEW YORK

5194

2019-2020 Regular Sessions

IN ASSEMBLY

February 7, 2019

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

AN ACT to amend the general business law, in relation to requiring motor vehicle dealers to search for recalls and make certain repairs prior to selling a used motor vehicle

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

Section 1. The general business law is amended by adding a new section 198-d to read as follows:

§ 198-d. Used motor vehicles; recalls. 1. For the purpose of this section, the following words shall have the following meanings:

(a) "Dealer" shall have the same meaning as in paragraph three of subdivision a of section one hundred ninety-eight-b of this article.

(b) "Used motor vehicle" shall have the same meaning as in paragraph two of subdivision a of section one hundred ninety-eight-b of this article.

2. Prior to offering a contract for sale of a used motor vehicle at retail, the dealer, or his or her agent, shall make a good faith effort to determine whether a manufacturer or the national highway traffic safety administration has issued any recall applicable to such used motor vehicle. Upon determining that a manufacturer or such administration has issued any recall applicable to such used motor vehicle, a dealer, or his or her agent, must make or cause repairs to be made pursuant to the manufacturer's or such administration's recall such that the recall is satisfied.

§ 2. Section 199 of the general business law, as added by chapter 900 of the laws of 1956 and as renumbered by chapter 582 of the laws of 1970, is amended to read as follows:

§ 199. Penalties. Any person, firm, or corporation violating the provisions of section one hundred [~~ninety-six~~] **ninety-eight-d** of this article shall be liable in an action brought on behalf of the people of

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

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the state of New York in the sum of [~~one~~] **five** thousand dollars for each [~~of~~] such [~~violations~~] **violation**.

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