STATE OF NEW YORK

8050

2019-2020 Regular Sessions

IN ASSEMBLY

May 31, 2019

Introduced by M. of A. MAGNARELLI -- read once and referred to the Committee on Insurance

AN ACT to amend the vehicle and traffic law and the insurance law, in relation to requiring compliance with collision repair guidelines and service bulletins issued by vehicle or original equipment manufacturers

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

Section 1. Section 398-d of the vehicle and traffic law is amended by adding a new subdivision 8 to read as follows:

8. Notwithstanding any provision of law to the contrary, no motor vehicle repair shop shall deviate from the collision repair guidelines, procedures, recommendations and service bulletins issued by a vehicle or original equipment manufacturer in the repair of a collision damaged vehicle without the written authorization from the vehicle owner or the vehicle owner's authorized representative.

§ 2. Subsection (n) of section 3411 of the insurance law is relettered subsection (o) and a new subsection (n) is added to read as follows:

(n) No insurer shall directly or indirectly require the deviation from the collision repair guidelines, procedures, recommendations and service bulletins issued by a vehicle or original equipment manufacturer in the repair of a collision damaged vehicle without the written authorization from the vehicle owner or the vehicle owner's representative. If a repair procedure or specification from a vehicle or original equipment manufacturer includes a directive to conduct a scan, calibration, diagnostic test of vehicle electronic systems before or after the commencement of repairs, such directive shall be considered as a required part of the repair procedure.

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

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

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