

STATE OF NEW YORK

6059

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer 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:

1 Section 1. The general business law is amended by adding a new section
2 198-d to read as follows:

3 § 198-d. Used motor vehicles; recalls. 1. For the purpose of this
4 section, the following words shall have the following meanings:

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

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

10 2. Prior to offering a contract for sale of a used motor vehicle at
11 retail, the dealer, or his or her agent, shall make a good faith effort
12 to determine whether a manufacturer or the national highway traffic
13 safety administration has issued any recall applicable to such used
14 motor vehicle. Upon determining that a manufacturer or such adminis-
15 tration has issued any recall applicable to such used motor vehicle, a
16 dealer, or his or her agent, must: (a) make or cause repairs to be made
17 pursuant to the manufacturer's or such administration's recall such that
18 the recall is satisfied; or (b) provide the prospective buyer, in a
19 separate written notice, a listing of any and all manufacturer's recalls
20 applicable to such used motor vehicle.

21 § 2. Section 199 of the general business law, as added by chapter 900
22 of the laws of 1956 and as renumbered by chapter 582 of the laws of
23 1970, is amended to read as follows:

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

LBD07797-03-9

1 § 199. Penalties. Any person, firm, or corporation violating the
2 provisions of section one hundred [~~ninety-six~~] ninety-eight-d of this
3 article shall be liable in an action brought on behalf of the people of
4 the state of New York in the sum of [~~one~~] five thousand dollars for each
5 [~~of~~] such [~~violations~~] violation.
6 § 3. This act shall take effect on the ninetieth day after it shall
7 have become a law.