

STATE OF NEW YORK

8308--A

Cal. No. 324

2019-2020 Regular Sessions

IN ASSEMBLY

June 13, 2019

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Transportation -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the vehicle and traffic law, in relation to prohibiting retail dealers of second hand motor vehicles from selling motor vehicles required to contain an inflatable restraint system by the federal motor vehicle safety standard applicable to that vehicle unless such vehicle is equipped with a functioning inflatable restraint system which conforms to the federal motor vehicle safety standard applicable to that vehicle

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. Section 417 of the vehicle and traffic law, as amended by chapter
4 206 of the laws of 1979, the closing paragraph as added by chapter 469
5 of the laws of 1994, is amended to read as follows:
6 § 417. Certificates by retail dealers on sales of second hand motor
7 vehicles. Upon the sale or transfer of title by a retail dealer of any
8 second hand motor vehicle, intended for use by the buyer, his agent or
9 representative upon the public highways, the vendor shall execute and
10 deliver to the vendee an instrument in writing, in a form prescribed by
11 the commissioner, in which shall be given the make, year of manufacture
12 and identification number of the said motor vehicle, the name and
13 address of the vendee, and the date of delivery to the vendee. Such
14 notice shall also contain a certification that said motor vehicle
15 complies with such requirements of this chapter as shall be specified by
16 the commissioner and that it is in condition and repair to render, under
17 normal use, satisfactory and adequate service upon the public highway at
18 the time of delivery. It shall also certify that such vehicle complies

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

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1 with the equipment requirements in section four hundred nineteen-a of
2 this article.

3 The failure of the vendor to deliver to the vendee the certificate
4 required by this section or delivery of a false certificate knowing the
5 same to be false or misleading or without making an appropriate
6 inspection to determine whether the contents of such certificate are
7 true shall constitute a violation of this section. The delivery of a
8 false certificate shall raise presumption that such certificate was
9 issued without an appropriate inspection.

10 This section shall not apply to a motor vehicle transferred to a
11 lessee, a family member of a lessee, or an employee of a lessee, who has
12 had possession of the vehicle for a period of one hundred twenty days or
13 more under a lease.

14 § 3. The vehicle and traffic law is amended by adding a new section
15 419-a to read as follows:

16 § 419-a. Inflatable restraint system, required equipment upon sale. No
17 retail dealer may sell a second hand motor vehicle which is subject to
18 federal motor vehicle safety standards for inflatable restraint systems
19 as provided in part 571.208 of title 49 of the code of federal regu-
20 lations, unless such vehicle is equipped with a functioning inflatable
21 restraint system which conforms to such federal motor vehicle safety
22 standard applicable to that vehicle.

23 § 4. This act shall take effect on the ninetieth day after it shall
24 have become a law. Effective immediately, the addition, amendment and/or
25 repeal of any rule or regulation necessary for the implementation of
26 this act on its effective date are authorized to be made and completed
27 on or before such effective date.