

STATE OF NEW YORK

1359

2021-2022 Regular Sessions

IN ASSEMBLY

January 8, 2021

Introduced by M. of A. MAGNARELLI, STIRPE, LUPARDO -- 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:

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

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

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

11 (n) No insurer shall directly or indirectly require the deviation from
12 the collision repair guidelines, procedures, recommendations and service
13 bulletins issued by a vehicle or original equipment manufacturer in the
14 repair of a collision damaged vehicle without the written authorization
15 from the vehicle owner or the vehicle owner's representative. If a
16 repair procedure or specification from a vehicle or original equipment
17 manufacturer includes a directive to conduct a scan, calibration, diag-
18 nostic test of vehicle electronic systems before or after the commence-
19 ment of repairs, such directive shall be considered as a required part
20 of the repair procedure.

21 § 3. This act shall take effect on the first of January next succeed-
22 ing the date on which it shall have become a law. Effective immediate-
23 ly, the addition, amendment and/or repeal of any rule or regulation
24 necessary for the implementation of this act on its effective date are
25 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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