STATE OF NEW YORK

1834

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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 an 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:

Section 1. This act shall be known and may be cited as the "Anthony Amoros' law".

§ 2. Section 417 of the vehicle and traffic law, as amended by chapter 206 of the laws of 1979, the closing paragraph as added by chapter 469 of the laws of 1994, is amended to read as follows:

§ 417. Certificates by retail dealers on sales of second hand motor vehicles. Upon the sale or transfer of title by a retail dealer of any second hand motor vehicle, intended for use by the buyer, his agent or representative upon the public highways, the vendor shall execute and deliver to the vendee an instrument in writing, in a form prescribed by the commissioner, in which shall be given the make, year of manufacture and identification number of the said motor vehicle, the name and address of the vendee, and the date of delivery to the vendee. Such notice shall also contain a certification that said motor vehicle complies with such requirements of this chapter as shall be specified by the commissioner and that it is in condition and repair to render, under normal use, satisfactory and adequate service upon the public highway at the time of delivery**. It shall also certify that such vehicle complies with the equipment requirements in section four hundred nineteen-a of this article**.

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

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

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

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

§ 419-a. Inflatable restraint system, required equipment upon sale. No retail dealer may sell a second hand motor vehicle which is subject to federal motor vehicle safety standards for inflatable restraint systems as provided in part 571.208 of title 49 of the code of federal regulations, unless such vehicle is equipped with an inflatable restraint system which conforms to such federal motor vehicle safety standard applicable to that vehicle and a readiness indicator light indicating a functioning inflatable restraint system.

§ 4. This act shall take effect on the ninetieth day after 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.