STATE OF NEW YORK

5936--A

2023-2024 Regular Sessions

IN SENATE

March 23, 2023

Introduced by Sens. RIVERA, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to requiring review of all motor vehicle repair shop applicants which includes community input

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

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

2-a. Additional requirements for transfers and renewals. The commissioner shall consider the following factors in determining whether to approve an applicant's transfer or renewal of a certificate of registration for the operation of a motor vehicle repair shop in the city of New York, in addition to such other factors they deem material to such renewal:

(i) any history of violations of this article, history of parking violations, or parking-related building code violations;

(ii) complaints from the community board or boards established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which the premises is located;

(iii) proof of notification to such community board or boards as required under section three hundred ninety-eight-j of this article;

(iv) opinions for or against the approval of such transfer or renewal provided by the relevant community board within thirty-five days of receiving notice pursuant to section three hundred ninety-eight-j of this article;

(v) the effect of the applicant on vehicular traffic and parking in proximity to the location of the repair shop; and

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

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(vi) any other factors specified by law or regulation that are relevant to determine the public convenience and advantage, and public interest of the community.

§ 2. Paragraphs (k), (l) and the closing paragraph of subdivision 1 of section 398-e of the vehicle and traffic law, paragraph (k) as amended and paragraph (l) as added by chapter 527 of the laws of 2021, the closing paragraph as amended by chapter 634 of the laws of 1980, are amended and a new paragraph (m) is added to read as follows:

(k) has engaged in a course of conduct which unreasonably impedes or delays a consumer's right to a fair recovery pursuant to the provisions of an automobile insurance policy, the insurance law or regulations issued by the superintendent of financial services governing the evaluation and adjustments of claims; [~~or~~]

(l) has wilfully violated paragraph (b) of subdivision thirty-one, subdivision thirty-one-a or subdivision thirty-one-b of section three hundred seventy-five of this [~~chapter.~~] title; or

(m) has engaged in a course of conduct that includes multiple parking violations or failed to cure two or more parking-related code violations in the city of New York.

For the purposes of paragraphs (g), (h), (i), (j) [~~and~~] , (k) and (m) of this subdivision, it shall be presumed that the actions of any employee of a motor vehicle repair shop shall be attributable to, and deemed to be the actions of, such motor vehicle repair shop.

§ 3. The vehicle and traffic law is amended by adding a new section 398-j to read as follows:

§ 398-j. Notification to municipalities. 1. Not less than forty-five days before filing for an application to transfer or renew a certificate of registration for a repair shop that is located in the city of New York, an applicant shall notify such city of their intent to file such an application with certified mail or electronic mail.

2. Such notification shall be made to the community board established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which the premises is located.

3. The commissioner shall require such notification to be on a standardized form that can be obtained from its website or from the department and such notification shall include:

(a) the trade name or "doing business as" name, if any, of the motor vehicle repair shop;

(b) the full name of the applicant;

(c) the street address of the motor vehicle repair shop, including the floor location or room number, if applicable;

(d) the mailing address of the motor vehicle repair shop, if different than the street address;

(e) the name, address and telephone number of the attorney or representative of the applicant, if any;

(f) a statement indicating whether the application is for:

(i) a transfer of an existing licensed business; or

(ii) a renewal of an existing certificate of registration;

(g) if the motor vehicle repair shop is a transfer or previously registered motor vehicle repair shop, the name of the old motor vehicle repair shop and a copy of such motor vehicle repair shop's certificate of registration number;

(h) in the case of a renewal, a copy of the certificate of registration of the applicant; and

(i) a request that such community board provide a written opinion for or against approval of such transfer or renewal, and advise the communi-

ty board that such opinion is required within thirty-five days of receiving notice from such repair shop.

§ 4. This act shall take effect on the one hundred twentieth 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.