STATE OF NEW YORK

9558

IN SENATE

May 16, 2024

Introduced by Sen. COONEY -- 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 permitting the retention of electronic dealer records

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

Section 1. Section 2114 of the vehicle and traffic law, as added by chapter 1134 of the laws of 1971, subdivision (a) as amended by chapter 521 of the laws of 1972 and subdivision (b) as amended by chapter 843 of the laws of 1980, is amended to read as follows:

§ 2114. Transfer to or from dealer; records. (a) If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner within ten days after delivery to [~~him~~] **such dealer** of the vehicle, [~~he~~] **such dealer** need not send the certificate to the commissioner but, upon transferring the vehicle to another person other than by the creation of a security interest, shall promptly execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale, in the spaces provided therefor on the certificate or as the commissioner prescribes, and mail or deliver the certificate to the commissioner with the transferee's application for a new certificate. The assignment and warranty of title by a dealer required by this section shall include a statement, signed by the dealer stating either (i) any facts or information known to [~~him~~] **such dealer** that could reasonably affect the validity of the title of the vehicle, or (ii) that no such facts or information are known to [~~him~~] **such dealer**.

(b) Every dealer shall maintain a record in the form and for a period of time the commissioner prescribes of every vehicle bought, sold or exchanged by [~~him~~] **such dealer**, or received by [~~him~~] **such dealer** for sale or exchange, which shall be open to inspection by a representative of the commissioner, a peace officer, when acting pursuant to [~~his~~] **such peace officer's** special duties, or a police officer during reasonable business hours. **All records subject to this section without exclusion**

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

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may be retained electronically provided the records can be accessed and provided to the requestor during reasonable business hours. Records retained electronically shall not be required to be retained in physical form.

§ 2. This act shall take effect immediately.