STATE OF NEW YORK

2263

2023-2024 Regular Sessions

IN ASSEMBLY

January 25, 2023

Introduced by M. of A. SIMON -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring motor vehicle repair shops to disclose certain information to customers

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

Section 1. Subdivisions 1 and 2 of section 398-d of the vehicle and traffic law, subdivision 1 as amended by chapter 161 of the laws of 1996 and subdivision 2 as amended by chapter 173 of the laws of 1990, are amended and a new subdivision 2-a is added to read as follows:

1. All work done by a motor vehicle repair shop shall be recorded on an invoice and shall describe all service work done and parts supplied. If any used parts are supplied, the invoice shall clearly state that fact. If any component system installed is composed of new and used parts, such invoice shall clearly state that fact. If any body parts are supplied to a vehicle with a gross vehicle weight not in excess of eighteen thousand pounds, the invoice shall clearly state whether such parts were manufactured as original equipment parts for the vehicle, or were manufactured as non-original replacement parts or are used parts. **If any parts supplied are under warranty, such invoice shall clearly state that fact, and a copy of the work order information and warranty of such part shall be displayed on such invoice.** One copy of the invoice shall be given to the customer and one copy shall be retained by the motor vehicle repair shop. For the purposes of insuring that the repairs described on the work invoice have been performed, every customer and his representative or a representative of an insurance company where such company has paid or is liable to pay a claim for damage to such customer's motor vehicle shall have a right to inspect the repaired motor vehicle. Such right of inspection shall also include the right to inspect all replaced parts and components thereof, except warranty or

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

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exchange parts. Provided, however, the exception for warranty or exchange parts from the right of inspection shall not apply to replacement inflatable restraint systems. Any such inspection by an insurer shall be made in a manner consistent with the requirements of sections two thousand six hundred one and three thousand four hundred eleven of the insurance law. The motor vehicle repair shop shall make available to the customer, upon timely written demand, or for such work authorized over the telephone, shall keep until the customer's motor vehicle is retrieved, all replaced parts, components or equipment excepting any parts, components or equipment normally sold on an exchange basis or subject to a warranty.

2. [~~Upon the request of any customer, a~~] A motor vehicle repair shop shall make an estimate in writing of the parts and labor necessary for a specific job and shall not charge for work done or parts supplied [~~in excess of the estimate~~] without the consent of such customer. The motor vehicle repair shop may charge a reasonable fee for making an estimate. If any body parts are included in the estimate for a vehicle with a gross vehicle weight not in excess of eighteen thousand pounds, the estimate shall clearly state whether such parts were manufactured as original equipment parts for the vehicle, or were manufactured as non-original replacement parts or are used parts.

2-a. A violation of subdivision one or two of this section shall be punishable by a fine of five hundred dollars for a first violation, one thousand dollars for a second violation, and one thousand five hundred dollars for a third and any subsequent violation.

§ 2. This act shall take effect immediately.