

STATE OF NEW YORK

2378

2023-2024 Regular Sessions

IN SENATE

January 20, 2023

Introduced by Sen. PERSAUD -- 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 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:

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

5 1. All work done by a motor vehicle repair shop shall be recorded on
6 an invoice and shall describe all service work done and parts supplied.
7 If any used parts are supplied, the invoice shall clearly state that
8 fact. If any component system installed is composed of new and used
9 parts, such invoice shall clearly state that fact. If any body parts are
10 supplied to a vehicle with a gross vehicle weight not in excess of eigh-
11 teen thousand pounds, the invoice shall clearly state whether such parts
12 were manufactured as original equipment parts for the vehicle, or were
13 manufactured as non-original replacement parts or are used parts. If
14 any parts supplied are under warranty, such invoice shall clearly state
15 that fact, and a copy of the work order information and warranty of such
16 part shall be displayed on such invoice. One copy of the invoice shall
17 be given to the customer and one copy shall be retained by the motor
18 vehicle repair shop. For the purposes of insuring that the repairs
19 described on the work invoice have been performed, every customer and
20 his representative or a representative of an insurance company where
21 such company has paid or is liable to pay a claim for damage to such
22 customer's motor vehicle shall have a right to inspect the repaired
23 motor vehicle. Such right of inspection shall also include the right to
24 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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1 exchange parts. Provided, however, the exception for warranty or
2 exchange parts from the right of inspection shall not apply to replace-
3 ment inflatable restraint systems. Any such inspection by an insurer
4 shall be made in a manner consistent with the requirements of sections
5 two thousand six hundred one and three thousand four hundred eleven of
6 the insurance law. The motor vehicle repair shop shall make available to
7 the customer, upon timely written demand, or for such work authorized
8 over the telephone, shall keep until the customer's motor vehicle is
9 retrieved, all replaced parts, components or equipment excepting any
10 parts, components or equipment normally sold on an exchange basis or
11 subject to a warranty.

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

22 2-a. A violation of subdivision one or two of this section shall be
23 punishable by a fine of five hundred dollars for a first violation, one
24 thousand dollars for a second violation, and one thousand five hundred
25 dollars for a third and any subsequent violation.

26 § 2. This act shall take effect immediately.