

# STATE OF NEW YORK

1385--A

2025-2026 Regular Sessions

## IN ASSEMBLY

January 9, 2025

Introduced by M. of A. SIMON, TAYLOR, SHIMSKY -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- 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 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 or labor supplied are covered under shop warranty, such  
15 invoice shall clearly state that fact, and a copy of the work order  
16 information and shop warranty of such parts or labor shall be displayed  
17 on such invoice. One copy of the invoice shall be given to the customer  
18 and one copy shall be retained by the motor vehicle repair shop. For the  
19 purposes of insuring that the repairs described on the work invoice have  
20 been performed, every customer and [~~his~~] such customer's representative  
21 or a representative of an insurance company where such company has paid

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

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1 or is liable to pay a claim for damage to such customer's motor vehicle  
2 shall have a right to inspect the repaired motor vehicle. Such right of  
3 inspection shall also include the right to inspect all replaced parts  
4 and components thereof, except warranty or exchange parts. Provided,  
5 however, the exception for warranty or exchange parts from the right of  
6 inspection shall not apply to replacement inflatable restraint systems.  
7 Any such inspection by an insurer shall be made in a manner consistent  
8 with the requirements of sections two thousand six hundred one and three  
9 thousand four hundred eleven of the insurance law. The motor vehicle  
10 repair shop shall make available to the customer, upon timely written  
11 demand, or for such work authorized over the telephone, shall keep until  
12 the customer's motor vehicle is retrieved, all replaced parts, compo-  
13 nents or equipment excepting any parts, components or equipment normally  
14 sold on an exchange basis or subject to a warranty.

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

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

29 § 2. This act shall take effect on the ninetieth day after it shall  
30 have become a law.