STATE OF NEW YORK

6133

2025-2026 Regular Sessions

IN ASSEMBLY

February 26, 2025

Introduced by M. of A. LEMONDES -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to a warranty for new consumer goods with a purchase price of five hundred dollars or more per unit

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

Section 1. The general business law is amended by adding a new section 396-zz to read as follows:

§ 396-zz. Warranty for new consumer goods. 1. If a consumer good with a purchase price of five hundred dollars or more purchased in this state does not conform to all express warranties during the period commencing two years following the date of such purchase, the consumer shall, during such period, report the nonconformity, defect or other condition which substantially impairs the value of such consumer good to the manufacturer, the manufacturer's agent, or the manufacturer's authorized dealer as provided in this subdivision. Where any such notification is received by the manufacturer's agent or authorized dealer or seller, such agent, dealer, or seller shall, within seven days of receipt thereof forward such written notice to the manufacturer by certified mail, return receipt requested, and shall include with such notice a statement indicating whether or not repairs have been undertaken. The manufacturer, its agent or its authorized seller shall thereafter repair or correct such nonconformity, defect or condition at no charge to the consumer, notwithstanding the fact that such repairs are made after the expiration of such period of operation or such two-year period.

2. If a manufacturer's agent or authorized dealer or seller refuses to undertake repairs within seven days of receipt of the notice by a consumer of a nonconformity, defect, or condition pursuant to subdivision one of this section, the consumer may immediately forward written notice of such refusal to the manufacturer by certified mail, return

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

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receipt requested. The manufacturer or its authorized agent shall have twenty days from receipt of such notice of refusal to commence such repairs. If the manufacturer or its authorized dealer or seller fails to commence such repairs within such twenty-day period, the manufacturer, at the option of the consumer, shall replace the consumer good with a comparable consumer good, or accept return of the consumer good from the consumer and refund to the consumer the full purchase price.

3. If, within the period specified in subdivision two of this section, the manufacturer or its agents or authorized dealers or sellers are unable to repair or correct any nonconformity, defect, or condition which substantially impairs the value of the consumer good to the consumer after a reasonable number of attempts, the manufacturer, at the option of the consumer, shall replace the consumer good with a comparable consumer good, or accept return of the consumer good from the consumer and refund to the consumer the full purchase price. Any return of a consumer good may, at the option of the consumer, be made to the dealer or seller or other authorized agent of the manufacturer who sold such consumer good to the consumer or to the dealer or seller or other authorized agent who attempted to repair or correct the defect or condition which necessitated the return and shall not be subject to any further shipping charges.

4. It shall be an affirmative defense to any claim under this section that: the nonconformity, defect or condition does not substantially impair such value; or the nonconformity, defect or condition is the result of abuse, neglect or unauthorized modifications or alterations of the consumer good.

5. For any new consumer good with a purchase price of five hundred dollars or more per unit, the following notice shall be provided to consumers and shall be printed in conspicuous ten point bold face type:

"CONSUMER GOODS BILL OF RIGHTS"

(a) In addition to any warranties offered by the manufacturer, any new consumer good with a purchase price of five hundred dollars or more per unit, if purchased in New York state, is warranted against all material defects for two years.

(b) You must report any problems to the manufacturer, its agent, or authorized dealer or seller.

(c) Upon notification, the problem must be corrected free of charge.

(d) If the same problem cannot be repaired after four or more attempts; or if your consumer good is inoperable for a total of thirty days during the warranty period; or if the manufacturer or its agent refuses to repair a substantial defect or condition within twenty days of receipt of notice sent by you to the manufacturer by certified mail, return receipt requested; then you may be entitled to either a comparable consumer good or a refund of your purchase price, plus taxes or other fees.

(e) A manufacturer may deny liability if the problem is caused by abuse, neglect, or unauthorized modifications of the consumer good.

(f) A manufacturer may refuse to exchange a comparable consumer good or refund your purchase price if the problem does not substantially impair the value of your consumer good.

(g) If a manufacturer has established an arbitration procedure, the manufacturer may refuse to exchange a comparable consumer good or refund your purchase price until you first resort to the procedure.

(h) If the manufacturer does not have an arbitration procedure, you may resort to any remedy by law and may be entitled to your attorney's fees if you prevail.

(i) No contract or agreement can void any of these rights.

(j) As an alternative to the arbitration procedure made available through the manufacturer, you may instead choose to submit your claim to an independent arbitrator, approved by the attorney general. You may have to pay a fee for such an arbitration. Contact your local consumer office or attorney general's office to find out how to arrange for independent arbitration.

§ 2. This act shall take effect immediately.