

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2017**

No. 85

Introduced by Council Members Richards, Williams, Johnson, Koo, Mendez, Rosenthal, Cohen, Constantinides, Vallone, Kallos, Levin and Espinal.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring secondhand automobile dealers to disclose whether automobiles have been recalled by the automobiles' manufacturers

Be it enacted by the Council as follows:

Section 1. Section 20-268 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. 1. A person who is licensed as a dealer in secondhand automobiles who sells a secondhand automobile, automobile part or equipment that is identified as having been recalled by the national highway transportation safety administration (“NHTSA”), pursuant to its authority under chapter 301 of title 49 of the United States code, must provide to the purchaser, prior to the execution of the contract for sale, a copy of the recall information for such secondhand automobile, automobile part or equipment, as printed out directly from the NHTSA website, <https://www.nhtsa.gov/recalls>, or any successor to such website. Such disclosure shall be made in writing and that writing must be signed or initialed by the purchaser of the secondhand automobile, automobile part or equipment. Such signed or initialed disclosure shall be maintained by the dealer, in either electronic or paper form, for no less than five years and such disclosure shall be subject to inspection by the commissioner.

2. *Nothing in this subdivision shall supersede any existing city, state or federal law or regulation pertaining to automobile safety or roadworthiness, or prevent the department or any other city, state or federal agency from enforcing any city, state or federal law or regulation pertaining to automobile safety or roadworthiness.*

§2. Subdivision a of section 20-275 of the administrative code of the city of New York is amended to read as follows:

a. Any person who shall violate any of the provisions of this subchapter or any rule or regulation issued thereunder shall be guilty of a class A misdemeanor and upon the first conviction be subject to a fine of at least five hundred dollars and upon any subsequent conviction be subject to a fine of one thousand dollars and/or imprisonment of at least fifteen days; *except that any person who violates subdivision h of section 20-268 shall be subject to a fine of: (i) one thousand dollars for the first offense; (ii) one thousand dollars and/or imprisonment of at least fifteen days for any subsequent offense committed within three years of the first offense; and (iii) shall be subject to suspension or revocation of his or her secondhand automobile license at the discretion of the commissioner for any subsequent violations within such three year period. For purposes of this subdivision, each automobile sold in violation of subdivision h of section 20-268 shall count as a separate offense.*

§3. This local law shall take effect 120 days after its enactment into law provided, however, that the commissioner of consumer affairs may take such measures as are necessary to implement this local law, including the promulgation of rules, prior to such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 10, 2017 and approved by the Mayor on May 30, 2017.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 85 of 2017, Council Int. No. 518-A of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.