



Legislation Text

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Proposed Int. No. 675-A

By Council Members Garodnick, Dromm, Ferreras, Barron, Chin, Comrie, Fidler, Gennaro, James, Koslowitz, Lander, Mendez, Van Bramer, Nelson and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to requiring the posting and distribution of information related to secondhand automobile buyers' rights.

Be it enacted by the Council as follows:

Section 1. Subchapter eleven of chapter two of title twenty of the administrative code of the city of New York is amended by adding a new section 20-274 to read as follows:

§ 20-274. Required disclosures related to secondhand automobile buyers' rights. a. List of secondhand automobile buyer's rights to be created by the department of consumer affairs. On or before July first two-thousand and twelve, the department shall create a list of secondhand automobile buyers' rights in English, Spanish, Chinese, Russian, Korean, Italian and French Creole that shall be: (i) posted in secondhand automobile dealerships; and (ii) distributed to prospective secondhand automobile buyers. Such disclosures shall include, at minimum, the following: (i) all secondhand automobile dealers in New York city are required to have a valid secondhand automobile dealers license prominently displayed at the dealership; (ii) prospective secondhand automobile buyers may retrieve the complaint history of a secondhand automobile dealer by calling "311" and referencing the secondhand automobile dealer's license number; (iii) every secondhand automobile on display in a dealership must pursuant to federal law have a "Used Car Buyer Guide" displayed in its window that describes warranty rights; (iv) in New York State, secondhand automobile dealers must provide written warranties on used automobiles priced at one thousand and five hundred dollars or more with a mileage of less than one hundred thousand miles; (v) "bait and switch" tactics are prohibited-a secondhand automobile dealer

may not advertise an automobile with no intention to sell such advertised automobile; (vi) consumers are not obligated to accept the secondhand automobile dealer's financing offer and are entitled to seek financing from entities other than the dealer; (vii) consumers intending to finance a secondhand automobile are encouraged to contact several lenders and compare the terms of each offer; and (viii) consumers are encouraged to obtain their credit score before negotiating a financing contract with a secondhand automobile dealer or any lender.

b. Required posting of secondhand automobile buyer's rights. Secondhand automobile dealers licensed by the department in accordance with section 20-265 of the administrative code shall conspicuously post such list of buyer's rights, in English, Spanish, Chinese, Russian, Korean, Italian and French Creole, and in a size and style to be determined by the commissioner, in dealership showrooms where secondhand automobiles are displayed for purchase.

c. Required distribution of secondhand automobile buyers' rights. At the time a secondhand automobile dealer licensed by the department in accordance with section 20-265 of the administrative code presents a sales contract to a prospective buyer for the buyer's signature, such dealer shall provide such prospective buyer with such list of buyer's rights in the language in which they are doing business with the prospective buyer and in a size and style to be determined by the commissioner.

§ 2. This local law shall take effect one hundred twenty days after its enactment into law; provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.