



Legislation Text

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Res. No. 40

Resolution calling upon the New York State Legislature to amend the General Business Law to require all car dealerships that negotiate contracts in non-English languages to also provide consumers with a corresponding written contract in the same language.

By Council Members Liu, Barron, Clarke, Dilan, Foster, Gerson, Lopez, Perkins, Reed, Sanders, Seabrook, Brewer, Quinn, Felder, Jackson, James and Martinez

Whereas, New York State is home to millions of people, a large percentage of whom are recent immigrants to this country; according to the U.S. Census Bureau 2000 Census, 20.4% of New Yorkers are foreign born, compared with 11% of the total population of the United States; and

Whereas, New York City alone is one of the most culturally diverse cities in the world; so many immigrants from around the globe call New York City home that National Geographic magazine dubbed the Queens town of Elmhurst “the most diverse zip code in the nation”, having welcomed immigrants arriving from approximately 120 countries in the early 1990’s; and

Whereas, As New York State’s population has become increasingly diverse, the number of New Yorkers who speak languages other than English as their primary language has increased significantly; according to Census data, 28% of New Yorkers report that they regularly speak a language other than English in their homes, compared to 17.9% of the national population; and

Whereas, Among the new immigrants, the greatest numbers currently come from Latin American and Asian countries; in the past fifteen years, the populations of both groups have increased so significantly that they have dramatically altered the demographics of the borough of Queens, and of the City; and

Whereas, Despite their growing and powerful presence in New York City and New York State, many

new immigrants, because of their limited English skills, have found themselves to be easy targets for unscrupulous business owners; a number of new immigrants have reported falling victim to deceptive business practices that attempt to prey on and profit off of their inability to fully comprehend the English language, particularly in complex business transactions; and

Whereas, This predatory behavior is exemplified by car dealerships that offer to negotiate in a consumer's primary language, only to present the consumer with a written contract in English -- one which often doesn't accurately reflect negotiated terms - unbeknownst to the consumer; and

Whereas, Recognizing that there are many potential consumers with limited English skills and that many of these individuals feel more comfortable conducting business in their native language, many New York-based car dealerships have begun the practice of using translators to negotiate with non-English speaking consumers in their primary language; and

Whereas, However, once these oral negotiations are reduced to writing, many of these businesses, which were so eager to negotiate in the consumer's language, provide the contract only in English, without including a copy in the language in which it was negotiated; and

Whereas, As a consequence, the English contract often will not accurately represent the agreements made during discussions; even worse, sometimes the non-English consumer is intentionally asked to sign a contract that requires him or her to perform acts or make payments that he or she did not agree to; and

Whereas, Ethnic communities, including new immigrants, contribute greatly to the economic and political vitality of the state and serve as a powerful force in the marketplace; and

Whereas, A law that would require car dealerships that negotiate contracts in non-English languages to translate and provide contracts in those languages would provide much-needed protection for non-English speaking consumers; and

Whereas, Further, car dealerships that reach out to non-English speaking clientele by providing this service which aims to meet the unique needs of limited-English consumers would have a competitive advantage

over those who do not; and

Whereas, California recently passed a law requiring businesses that negotiate in certain Asian languages to supply a contract copy in that language before the deal becomes binding, expanding on a rule in place since 1974 for contracts negotiated in Spanish; this law will apply broadly to retail installment contracts, car sales and leases, certain types of loans, residential rental agreements for longer than one month, and legal services contracts; after English and Spanish, Asian languages are the most widely spoken in California homes; and

Whereas, Requiring car dealerships that negotiate contracts in a language other than English to also provide a written contract in that language is a reasonable and equitable measure that would ensure that businesses are held accountable for their actions and that consumers get what they bargained for; such a measure would make great progress toward ending the potential for consumer fraud that exists when businesses are permitted to engage in opportunistic practices at the expense of vulnerable and trusting consumers who rely upon their expertise; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the General Business Law to require all car dealerships that negotiate contracts in non-English languages to also provide consumers with a corresponding written contract in the same language.