

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2015**

No. 44

Introduced by Council Members Williams, Chin, Koo, Mendez, Rodriguez, Rosenthal, Wills, Gibson, Palma, Reynoso, Vallone, Richards, Miller, Barron, Kallos, Gentile, Crowley, Koslowitz, Dickens, Cohen, Vacca, Ferreras, Lander, Van Bramer, Dromm and Greenfield.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to price displays for second-hand automobiles.

Be it enacted by the Council as follows:

Section one. Section 20-271 of the administrative code of the city of New York is amended to read as follows:

§ 20-271. Labelling of second-hand articles *and posting of prices for second-hand automobiles.*

a. Every person licensed as a dealer in second-hand articles, who also sells new articles within the licensed premises, shall label all second-hand articles in such manner that the public will be informed [thereof] *that such articles are not new.*

b. Every person required to be licensed as a second-hand automobile dealer pursuant to section 20-265 of this subchapter, who sells second-hand automobiles at retail, shall clearly and conspicuously post:

1. the total selling price, which shall include any administrative, service or other fee charged by the second-hand automobile dealer exclusive of all taxes and fees for securing a registration or certificate of title, of each second-hand automobile offered for sale at his or her

place of business, by means of a sign on the dashboard of each such automobile or by means of a sign at the point of display of each such automobile; and

2. the total selling price of any add-on product offered for sale by means of a sign at the point of display of the second-hand automobile for which such product is available for purchase or at each location within the dealer's place of business where any such product is offered for sale. Such sign shall inform consumers that the purchase of any add-on product is optional. For purposes of this paragraph, "add-on product" shall mean vehicle service contracts, extended service contracts, prepaid maintenance packages, road service or club membership, theft protection, car alarm, auto immobilizer, vehicle identification number etching, mechanical breakdown, guaranteed auto protection, and credit life, accident or disability insurance.

c. Nothing in this section shall prevent a second-hand automobile dealer from selling a second-hand automobile or an add-on product at a lower selling price than the price posted pursuant to subdivision b of this section.

d. 1. Any person who violates subdivision b of this section or any rule or regulation issued thereunder shall be subject to a civil penalty of not more than:

(a) five hundred dollars for the first violation;

(b) seven hundred and fifty dollars for the second violation committed within one year of the first violation; and

(c) one thousand dollars for the third or any subsequent violation committed within one year of the first violation.

2. For purposes of assessing penalties in accordance with this subdivision, all violations committed by the same dealer on the same day shall count as one violation.

§ 2. Subdivision b of section 20-275 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

b. [Any] *Except as otherwise provided in this subchapter, any person who violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be subject to a civil penalty of not more than five hundred dollars for each violation; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-270 or of subdivision a of section 20-271 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-270 or of subdivision a of section 20-271 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically, by mail or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 3. The administrative code of the city of New York is amended by adding new section 20-275.1 to read as follows:

§ 20-275.1. Rules. The commissioner may promulgate such rules as are necessary to carry out the provisions of this subchapter.

§ 4. This local law shall take effect 120 days after its enactment into law; provided, however, that the commissioner may 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.

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 April 28, 2015 and approved by the Mayor on May 18, 2015.

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. 44 of 2015, Council Int. No. 178-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.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.