

Memorandum in Support

S.148 (THOMAS)/A.6041 (Rajkumar)

Relates to requiring motor vehicle dealers to search for recalls and make certain repairs prior to selling a used motor vehicle

Consumer Federation of America supports S.148/A.6041, which will improve auto safety in New York and help reduce the risk of motor-vehicle related fatalities and serious, debilitating and costly injuries by specifically requiring auto dealers to check the safety recall status of used vehicles they offer for sale, and obtain the free repairs prior to sale, adding a new “bright line” provision to existing state law protections that is clearly and specifically enforceable by the Attorney General.

New Yorkers who shop for used vehicles at licensed auto dealerships should not have to worry that the dealer has failed to obtain safety recall repairs prior to sale. Safety recalls are issued only when vehicles fail to comply with a Federal Motor Vehicle Safety Standard or when they pose an unreasonable risk to safety.

Typical safety recall defects include: faulty brakes, loss of steering, hoods that fly up in traffic, catching on fire, stalling in traffic, and ticking time bomb Takata airbags that propel metal fragments into drivers and passengers’ faces, necks, and torsos, causing severe injuries and bleeding to death.

Especially now, when many New Yorkers are paying historically high prices for used vehicles and car dealers are boasting about making record profits, at the very least, the vehicles New York consumers purchase should be safe and free from known safety recall defects.

Enactment of this legislation will improve auto safety for all New Yorkers, including car buyers and their families and other passengers, bicyclists, pedestrians, and others who share the roads or are imperiled by defects such as those that cause fires.

Under federal law, auto manufacturers are required to provide safety recall repairs at no cost, including to auto dealers, whether they are franchised new car dealers or independent dealers such as CarMax, which advertises that all vehicles it offers for sale must pass a rigorous inspection.

This legislation overwhelmingly passed the Assembly on March 31, 2022. It’s now up to the Senate to bring the bill to a floor vote to protect New Yorkers in the marketplace and on the roadways.

Thank you for your consideration of our views.

For more information: ewitte@consumerfed.org