

[First Reprint]

ASSEMBLY, No. 3725

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2014

Sponsored by:

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District 32 (Bergen and Hudson)

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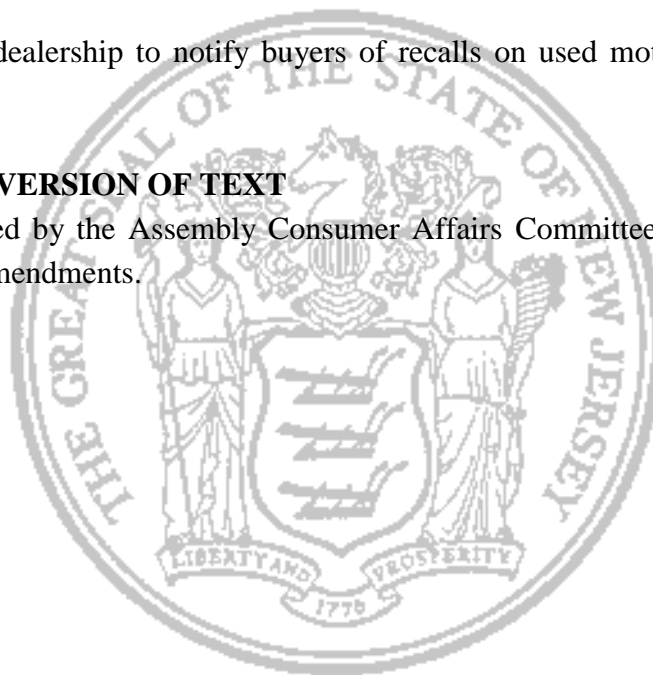
Assemblyman Mazzeo, Assemblywoman Lampitt and Assemblyman Wilson

SYNOPSIS

Requires dealership to notify buyers of recalls on used motor vehicles for sale.

CURRENT VERSION OF TEXT

As reported by the Assembly Consumer Affairs Committee on October 2, 2014, with amendments.



(Sponsorship Updated As Of: 1/30/2015)

1 AN ACT concerning recalls on used motor vehicles for sale and
2 supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. ¹a. It shall be an unlawful practice pursuant to P.L.1960,
8 c.39 (C.56:8-1 et seq.) for a dealer to sell or transfer a used motor
9 vehicle without first contacting or accessing information provided
10 by the vehicle manufacturer or the National Highway Traffic Safety
11 Administration to determine if there are any outstanding recalls on
12 the ¹specific¹ vehicle which have not been corrected or addressed.
13 In the event that such a recall is discovered, the dealer shall
14 ¹provide the information about the recall to ¹inform¹ a prospective
15 purchaser ¹about the recall, and whether the recall work for that
16 particular vehicle was resolved, if known,¹ prior to finalizing the
17 sale of the used motor vehicle.

18 ¹b. There shall be an irrebuttable presumption that a dealer had
19 no knowledge of the existence of a prior recall on a used vehicle if
20 that dealer accessed the National Highway Traffic Safety
21 Administration's Internet website and, after the dealer input the
22 specific vehicle identification number, the website indicated that no
23 open recall existed for the particular used vehicle. This subsection
24 shall not:

25 (1) create any legal duty upon a dealer related to the accuracy,
26 errors, or omissions of the National Highway Traffic Safety
27 Administration's website; or

28 (2) require a dealer to provide the prospective purchaser with
29 any recall information that may be added to the National Highway
30 Traffic Safety Administration's Internet website, after the dealer
31 has printed a copy of the recall information and provided it to the
32 prospective purchaser of the used vehicle.

33 ¹c. As used in this section, "dealer" means ¹the same as
34 defined pursuant to R.S.39:10-2 ¹a person who is actively engaged
35 in the business of buying, selling or exchanging new or used motor
36 vehicles at retail. For the purposes of this definition, "at retail"
37 shall not include wholesale sales, sales between dealers, and sales to
38 owners or operators of motor vehicle junk businesses or motor
39 vehicle junk yards, as defined in R.S.39:11-2, or any other persons
40 or entities engaged in the business of dismantling, destroying or
41 recycling motor vehicles¹.

42

43 2. This act shall take effect on the first day of the seventh
44 month next following the date of enactment.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ACO committee amendments adopted October 2, 2014.