

ASSEMBLY, No. 2274

STATE OF NEW JERSEY

INTRODUCED JULY 18, 1996

By Assemblymen PASCRELL and IMPREVEDUTO

1 AN ACT concerning the sale of certain used motor vehicles and  
2 amending P.L.1995, c.373.

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

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7 1. Section 2 of P.L.1995, c.373 (C.56:8-68) is amended to read as  
8 follows:

9 2. It shall be an unlawful practice for a dealer:

10 a. To misrepresent the mechanical condition of a used motor  
11 vehicle;

12 b. To fail to disclose, prior to sale, any material defect in the  
13 mechanical condition of the used motor vehicle which is known to the  
14 dealer;

15 c. To represent that a used motor vehicle, or any component  
16 thereof, is free from material defects in mechanical condition at the  
17 time of sale, unless the dealer has a reasonable basis for this  
18 representation at the time it is made;

19 d. To fail to disclose, prior to sale, the existence and terms of any  
20 written warranty, service contract or repair insurance currently in  
21 effect on a used motor vehicle provided by a person other than the  
22 dealer, and subject to transfer to a consumer, if known to the dealer;

23 e. To misrepresent the terms of any written warranty, service  
24 contract or repair insurance currently in effect on a used motor vehicle  
25 provided by a person other than the dealer, and subject to transfer to  
26 a consumer;

27 f. To fail to disclose, prior to sale, the existence and terms of any  
28 written warranty, service contract or repair insurance offered by the  
29 dealer in connection with the sale of a used motor vehicle;

30 g. To misrepresent the terms of any warranty, service contract or  
31 repair insurance offered by the dealer in connection with the sale of a  
32 used motor vehicle;

33 h. To represent, prior to sale, that a used motor vehicle is sold with  
34 a warranty, service contract or repair insurance when the vehicle is

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

**Matter underlined thus is new matter.**

1 sold without any warranty, service contract or repair insurance;

2 i. To fail to disclose, prior to sale, that a used motor vehicle is sold  
3 without any warranty, service contract, or repair insurance; [and]

4 j. To fail to provide a clear written explanation, prior to sale, of  
5 what is meant by the term "as is," if the used motor vehicle is sold "as  
6 is" ; and

7 k. To fail to disclose, prior to sale: (1) any missing emission  
8 control equipment in the used motor vehicle; or (2) any defective  
9 emission control equipment in the used motor vehicle which is known  
10 to the dealer.

11 (cf: P.L.1995, c.373, s.2)

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13 2. This act shall take effect on the 60th day following enactment.

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#### STATEMENT

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18 This bill requires a dealer of a used motor vehicle to disclose, prior  
19 to sale, any missing or defective emission control equipment in the  
20 used motor vehicle, and thereby provides a prospective purchaser with  
21 information to make a more informed decision.

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26 \_\_\_\_\_  
27 Requires a dealer to disclose missing or defective emission control  
equipment in a used motor vehicle.