



Comments Received by the Department of Consumer Affairs
on
Proposed Rules Clarifying Recordkeeping Requirements for
Secondhand Automobile Dealers

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NEW YORK STATE AUTOMOBILE DEALERS ASSOC.

By Electronic and U.S. Mail

October 18, 2019

Carlos Ortiz
Director of Legislative Affairs
NYC Department of Consumer Affairs
42 Broadway, 8th Floor
New York, New York 10004

Re: Secondhand Automobile Dealers, § 2-109 of Title 6, Rules of NYC

Dear Mr. Ortiz:

Thank you for the opportunity to comment on the proposed amendments to the above-captioned regulation.

The New York State Automobile Dealers Association ("NYSADA") represents a thousand new motor vehicle dealers throughout New York State, all of whom sell used motor vehicles. Many of NYSADA's members are located within the City of New York.

As the Department of Consumer Affairs knows, the New York State Department of Motor Vehicles now requires that motor vehicle dealers maintain sales and registration information through the VERIFI system. See 15 NYCRR § 78.9. NYSADA's dealers have expended significant time and money in becoming compliant with the VERIFI system. VERIFI, now implemented, provides an accessible means to maintain information on vehicle transactions.

NYSADA is heartened that DCA has recognized the value that VERIFI provides. The proposed amendment to § 2-109 of Title 6 recognizes that dealer records maintained on VERIFI will fulfill the dealer's record-keeping obligations under § 20-273 of the Administrative Code. Eliminating the need to maintain separate, duplicative records will ease dealers' administrative burdens.

For the foregoing reasons, NYSADA **supports** the proposed amendments to § 2-109 of Title 6, and urges their adoption.

Very truly yours,



Robert Vancavage
President

555649.1 10/15/2019



Greater New York
Automobile Dealers
Association

October 29, 2019

Via Email (Rulecomments@dca.nyc.gov, COrtiz@dca.nyc.gov)

Carlos Ortiz
Director of Legislative Affairs
New York City Department of Consumer Affairs
42 Broadway, 8th Floor
New York, NY 10004

Re: Letter in Support of Amendment to Section 2-109 of Title 6 of the Rules of the City of New York (Record-keeping Requirements for Secondhand Automobile Dealers)

Dear Mr. Ortiz:

The Greater New York Automobile Dealers Association (GNYADA) is a not-for-profit trade association representing over 400 franchised new vehicle dealers in the downstate region of New York. GNYADA members are engaged in the retail sale and leasing of new and used vehicles, as well as servicing, repairing, and supplying parts for new and used vehicles.

On behalf of the Association, we support the proposed amendment to Section 2-109 of Title 6 of the Rules of the City of New York, relating to the record-keeping requirements for secondhand automobile dealers.

New York State law and Department of Motor Vehicle (DMV) Regulations require automobile dealers to maintain a Book of Registry (Police Book), which is a record of vehicles received or sold by the dealer, and to have that book available for inspection by the DMV or law enforcement as necessary. These record-keeping requirements allow the tracking of legitimate vehicle transfers.



In 2018, the DMV adopted the *Vehicle Electronic Reassignment and Integrated Facility Inventory* system (VERIFI), which includes an electronic Book of Registry. VERIFI allowed New York State dealers to stop maintaining a physical Police Book. However, New York City requirements still mandated a physical Police Book, in addition to the electronic one in VERIFI, which was duplicative and burdensome for NYC dealers.

By deeming VERIFI-compliant electronic record-keeping to satisfy DCA record-keeping requirements, DCA will be saving dealers valuable time as they will no longer have to duplicate records from VERIFI into a physical Police Book. The electronic records will also be more immediately accessible to law enforcement, as they will not be stored off-site, and searches will be faster as the vehicle sales can be reviewed and sorted by date, plate, or vehicle identification number. Additionally, having sensitive consumer information accessible through a secure online portal to which only vetted dealership personnel have access, rather than a second physical location, reduces the risk of an information security breach.

GNVADA thanks the Department of Consumer Affairs for listening to and understanding dealers' concerns about this issue and for proposing amendments to the record-keeping requirements for secondhand automobile dealers to specify that records compliant with VERIFI satisfy NYC record-keeping obligations.

Best regards,



Mark Schienberg
President

