

Inspection Checklist: Secondhand Auto Dealers

Do you or your business sell used cars, trucks, and/or motorcycles?

Use this checklist to learn what our inspectors look for and help avoid violations. All businesses also must comply with the **General Retail Inspection Checklist**, which is included at the end for easy reference.

Requirement	Do you meet this requirement?
Licenses	
1 Your business must have a valid DCA Secondhand Dealer Auto license.	<input type="checkbox"/> Yes
2 DCA's new combined license and complaint sign must be posted where all customers can see it. Until you receive the new sign, which DCA is sending during the license renewal period, you must continue to post both your license and the complaint sign. Note: DCA combined the license and the complaint sign, previously separate documents, into one consolidated sign. New licensees and licensees that renew after October 15, 2013 will receive the new sign. Renewing licensees must remove the old license document and complaint sign that DCA previously provided and post the new combined sign. For more information about this regulation, go to nyc.gov/consumers .	<input type="checkbox"/> Yes
3 All printed matter that is given to customers (business cards, flyers, receipts, etc.) must have the license number and the license number must be identified as a DCA license number.	<input type="checkbox"/> Yes
4 Vehicles offered for sale cannot be parked partially or completely on the sidewalk or street.	<input type="checkbox"/> Yes
Signage	
5 If your business sells new and used vehicles and displays them in the same area, a sign stating that you sell new and used vehicles must be posted in that area where all customers can see it. Tip: The sign must be at least 216 square inches with letters at least 2 inches high.	<input type="checkbox"/> Yes
6 If your business sells new and used vehicles, each of the used vehicles must be clearly labeled so that customers know they are used.	<input type="checkbox"/> Yes
7 Every vehicle must have its own posted price. Tip: Prices can be displayed on a sign, but they must be visible and easily matched to the vehicles.	<input type="checkbox"/> Yes
8 The Federal Trade Commission's (FTC) Used Car Rule requires dealers to post a Buyers Guide in every used car they offer for sale. Tip: The Buyers Guide can be downloaded at consumer.ftc.gov . Tip: The Buyers Guide is not required for motorcycles.	<input type="checkbox"/> Yes
9 The refund policy must be posted in the office where sales transactions take place. Tip: Even if the policy is not to give refunds, a sign must be posted stating "No Refunds."	<input type="checkbox"/> Yes

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Requirement		Do you meet this requirement?
10	<p>The “Notice to Our Customers” sign must be posted where all customers can see it.</p> <p style="text-align: center;">NOTICE TO OUR CUSTOMERS</p> <p>(A) STATE LAW REQUIRES THAT SELLERS OF SECOND-HAND CARS CERTIFY IN WRITING TO THE BUYER THAT EACH CAR IS IN SAFE CONDITION AT THE TIME OF SALE.</p> <p>(B) THIS CERTIFICATION IS A GUARANTEE THAT THE CAR IS IN SAFE CONDITION AT THE TIME OF SALE.</p> <p>(C) YOU HAVE A RIGHT TO REQUEST THE DEALER TO REPAIR OR TO PAY IN FULL FOR REPAIRS OF ANY UNSAFE CONDITION IN THE CAR WHICH DOES NOT COMPLY WITH THIS CERTIFICATION.</p> <p>(D) THIS BUSINESS IS LICENSED BY THE DEPARTMENT OF CONSUMER AFFAIRS, 42 BROADWAY, NEW YORK, NY 10004. TELEPHONE NUMBER: 311.</p>	<input type="checkbox"/> Yes
Record Keeping		
11	A record of sales and purchases (a.k.a. the police book) must be available for inspection.	<input type="checkbox"/> Yes
12	<p>The police book must be written in English and must contain all of the following information for purchases and sales:</p> <ul style="list-style-type: none"> • Detailed description of the used vehicle sold or purchased, including make, model, and year of manufacture • Inscription or identifying marks, including the Vehicle Identification Number (VIN) • Names and addresses of the seller and the buyer of the vehicle • General descriptions of the seller and buyer • Date of the sale or purchase <p>Tip: The police book does not have to include a description of the seller for vehicles purchased at auction.</p>	<input type="checkbox"/> Yes
13	<p>Your records must contain the type, number, and description of the ID given by the purchaser. The only acceptable forms of ID are:</p> <ul style="list-style-type: none"> • Official document issued by the U.S. government, state, county, or municipality; a public agency; a public or private employer. These documents must have a signature. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • Police, fire department, or postal department badge containing numbers. 	<input type="checkbox"/> Yes
14	A record of the odometer reading at the time your business purchased each car must be kept.	<input type="checkbox"/> Yes

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Requirement		Do you meet this requirement?
15	Records of deposits must be available for inspection and include the following: <ul style="list-style-type: none"> • Date the dealer received the deposit • Amount of the deposit • Name and address of the customer who paid the deposit • Receipt number • Description of the vehicle • Statement of whether the deposit was applied to a sales contract, refunded to the customer who paid the deposit, or used in another way 	<input type="checkbox"/> Yes
Bill of Sale		
16	The bill of sale must include all of the following: <ul style="list-style-type: none"> • Make, model, VIN of vehicle sold • Manufacture year • Cash selling price and/or financed price, listing finance charges • Exact method of payment • <i>If traded in</i>, bill of sale must include: <ul style="list-style-type: none"> • Allowance on vehicle traded in AND • Description by year, make, and VIN 	<input type="checkbox"/> Yes
17	Your bill of sale must contain the “Important Notice To Buyer” provision. <p style="text-align: center;">IMPORTANT NOTICE TO BUYER</p> (A) STATE LAW REQUIRES THAT SELLERS OF SECOND HAND CARS CERTIFY IN WRITING TO THE BUYER THAT EACH CAR IS IN SAFE CONDITION AT THE TIME OF SALE. (B) THIS CERTIFICATION IS A GUARANTEE THAT THE CAR IS IN SAFE CONDITION AT THE TIME OF SALE. (C) YOU HAVE A RIGHT TO REQUEST THE DEALER TO REPAIR OR TO PAY IN FULL FOR REPAIRS OF ANY UNSAFE CONDITION IN THE CAR WHICH DOES NOT COMPLY WITH THIS CERTIFICATION. (D) THIS BUSINESS IS LICENSED BY THE DEPARTMENT OF CONSUMER AFFAIRS, 42 BROADWAY, NEW YORK, NY 10004. COMPLAINT PHONE: 311. Tip: This information must be in at least 10 point font.	<input type="checkbox"/> Yes
18	Your bill of sale must include language similar to the following: Used Vehicle Certification. “If this motor vehicle is classified as a used motor vehicle, the dealer named above certifies that the entire vehicle is in condition and repair to render, under normal use, satisfactory and adequate service upon the public highway at the time of delivery.” Tip: This information must be in at least 10 point font.	<input type="checkbox"/> Yes

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Requirement		Do you meet this requirement?
19	Your bill of sale cannot include any of the following: <ul style="list-style-type: none"> • Disclaimer that the sale of the used vehicle is “as is” • Disclaimer of warranties • Term that limits the dealer’s duty to repair defects that exist at the time of sale • Term that limits the dealer’s duty to pay for the repair of defects that exist at the time of sale 	<input type="checkbox"/> Yes



Bill de Blasio
Mayor

**Department of
Consumer Affairs**

Julie Menin
Commissioner

42 Broadway
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Visit nyc.gov and
search “Business
Toolbox”

Contact 311
(212) NEW-YORK
(Outside NYC)

New York City businesses must comply with all relevant federal, State, and City laws and rules, which are available in DCA’s Business Toolbox. Businesses are responsible for knowing and complying with current regulations that affect their business.

Inspection Checklist: General Retail

Does your business sell goods or services?

Use this checklist to learn what our inspectors look for and help avoid violations:

	Requirement	Do you meet this requirement?
	Price Lists for Services	
1	A price list with the types of services and the prices of those services must be displayed.	<input type="checkbox"/> Yes
2	The price list must be clearly posted or clearly displayed near the cash register and/or at the place(s) where orders are placed.	<input type="checkbox"/> Yes
3	If the price list states a minimum charge (e.g., “from \$. . .”) or states a price “and up,” it must state the reason for the different prices and include the range of prices.	<input type="checkbox"/> Yes
4	If there is a sale or promotion, the pre-sale prices must also be posted for comparison.	<input type="checkbox"/> Yes
5	<p>Prices for services cannot be based on gender.</p> <p>Tip: Words like “men’s,” “women’s,” and “ladies” cannot be used to describe the price; the difference must be described in a gender neutral way. (Example: Above the shoulder hair = \$15; Below the shoulder hair = \$30)</p> <p>Tip: Instead of listing prices for shirts and blouses, the price must be described based on physical differences between the shirts. (Example: sequins, ruffles, fancy buttons)</p>	<input type="checkbox"/> Yes
	Pricing for Goods	
6	All items offered for sale must have a clearly visible price.	<input type="checkbox"/> Yes
7	For most items, the price must be attached to the item or on a sign where the item is displayed.	<input type="checkbox"/> Yes
8	If your store’s annual revenue is more than \$2 million or you are a chain store, you must individually price most food products, as well as paper products, detergents, soaps, nonprescription drugs, and health and beauty aids.	<input type="checkbox"/> Yes
9	Milk; eggs; fresh produce; snack foods that are less than 5 ounces; frozen foods; jars of baby food; and items that are less than 3 cubic inches, under 3 ounces and under \$1 do not have to be individually priced, but must have shelf prices.	<input type="checkbox"/> Yes

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	Requirement	Do you meet this requirement?
	Signs	
10	<p>Sale signs that advertise a percent discount—example: 20-50% off—must state the minimum percent discount.</p> <p>Tip: Both the minimum and maximum numbers must be of equal size.</p> <div style="display: flex; justify-content: space-around; align-items: center;">   </div>	<input type="checkbox"/> Yes
11	<p>Sale signs cannot contain any of the following phrases:</p> <ul style="list-style-type: none"> ■ “Our list price” ■ Below “manufacturer’s wholesale cost” ■ “Manufacturer’s cost” 	<input type="checkbox"/> Yes
12	<p>Businesses that sell goods and services must post a refund policy.</p> <p>Tip: A refund policy must be posted at each register, point of sale, or at each entrance.</p> <p>Tip: Even if the policy is not to give refunds, a sign must be posted stating “No Refunds.”</p>	<input type="checkbox"/> Yes
13	<p>The refund policy must state any and all conditions or limitations to getting a refund. For example:</p> <ul style="list-style-type: none"> ■ Businesses must disclose any fees charged for refunds, such as “restocking fees.” ■ If a business will not provide refunds for “as is” items, it must disclose that. ■ Businesses must also disclose whether the refund will be in cash, credit, or store credit only. ■ If proof of purchase is required for a refund, the sign must say so. ■ A business that chooses not to offer refunds must post a sign that states, “No Refund,” or words to that effect. ■ The sign must state that a written copy of the store’s refund policy is available on request. 	<input type="checkbox"/> Yes

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	Requirement	Do you meet this requirement?
14	If there are limitations on using credit cards, such as minimum purchase amounts, the policy must be clearly posted near the register and the entrance.	<input type="checkbox"/> Yes
	Receipts	
15	Receipts must be given to customers for purchases over \$20 and upon request for purchases between \$5 and \$20. Tip: This does not apply to food and drink that is meant to be consumed on the premises.	<input type="checkbox"/> Yes
16	The receipt must include each of the following: <ul style="list-style-type: none"> ■ Date of purchase ■ Amount paid for each item ■ Total amount paid ■ Separate statement of tax ■ Name and address of store 	<input type="checkbox"/> Yes
17	Receipts for electronics that cost more than \$100 must also include the make and model number of the item.	<input type="checkbox"/> Yes
	Price Accuracy	
18	When items are scanned, the price must match the lowest item price, shelf price, sale price, or advertised price.	<input type="checkbox"/> Yes
19	If no scanners are used, the price at checkout must still match the lowest item price, shelf price, sale price, or advertised price.	<input type="checkbox"/> Yes
20	Tax cannot be charged on tax-exempt items. Tip: Check with the New York State Department of Taxation and Finance for a complete list of which items are exempt.	<input type="checkbox"/> Yes

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	Requirement	Do you meet this requirement?
	Layaway Plans	
21	<p>If layaway is offered, each of the following written disclosures must be provided to consumers prior to accepting any payments over \$50 in 4 installments or more:</p> <ul style="list-style-type: none"> ■ Description of the item, including name, brand, color, and model number ■ Total cost of the item including tax ■ Charge to use layaway and any cancellation fee ■ Duration of the layaway plan ■ Payment schedule and any consequences of missed payments ■ Refund policy ■ Notice of whether or not the item won't be removed from inventory until a certain number of payments have been made <p><i>Example 1:</i> NOTICE: NO MERCHANDISE WILL BE REMOVED FROM INVENTORY UNTIL X% OF THE PURCHASE PRICE HAS BEEN PAID.</p> <p><i>Example 2:</i> ATTENTION: YOUR SELECTION OF MERCHANDISE WILL NOT BE ORDERED UNTIL YOU HAVE MADE YOUR NEXT TO FINAL PAYMENT.</p>	<input type="checkbox"/> Yes
	Expired Over-the-counter Medication	
22	It is illegal to sell over-the-counter medication after the expiration date on the label.	<input type="checkbox"/> Yes