

1081

2009-2010 Regular Sessions

I N   S E N A T E

January 26, 2009

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Introduced by Sens. DILAN, ADAMS, BRESLIN, DIAZ, HUNTLEY, C. JOHNSON, KRUEGER, MONTGOMERY, ONORATO, PARKER, PERKINS, SAMPSON, SERRANO, STACHOWSKI, STAVISKY, STEWART-COUSINS, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to coterminous consumer electronics warranties

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The general business law is amended by adding a new section  
2     399-ff to read as follows:  
3     S 399-FF. COTERMINOUS WARRANTIES FOR CONSUMER ELECTRONICS. 1. FOR THE  
4     PURPOSES OF THIS SECTION, "ELECTRONIC" MEANS A "COMMERCIAL UNIT" AS  
5     DEFINED IN SECTION 2-A-103 OF THE UNIFORM COMMERCIAL CODE CONTAINING  
6     TECHNOLOGY HAVING ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS, OPTICAL,  
7     ELECTROMAGNETIC OR SIMILAR CAPABILITIES.  
8     2. THE WARRANTY DURATION FOR ALL NON-CONSUMABLE COMPONENTS OF AN ELEC-  
9     TRONIC SHALL BE COTERMINOUS. NO EXPRESS WARRANTY SHALL DISCLAIM THE  
10    WARRANTY OF ANY PARTICULAR PART OF AN ELECTRONIC.  
11    3. IF AN EXPRESS WARRANTY INDICATES DIFFERING DURATIONS FOR DIFFERENT  
12    COMPONENTS, THE LONGEST DURATION SHALL BE IN EFFECT FOR ALL COMPONENTS.  
13    4. A WARRANTY HOLDER SHALL NOT BE REQUIRED TO PAY ANY FEES OR CHARGES,  
14    FOR OTHERWISE COVERED REPAIRS, NOR SHALL AN EXTENDED WARRANTY, OR  
15    SERVICE CONTRACT FOR ELECTRONICS BECOME VOID DUE TO:  
16    (A) SCRATCHES, DENTS, CHIPS, OR ANY OTHER SLIGHT COSMETIC DEFECTS THAT  
17    OCCUR TO ELECTRONICS WITH REGULAR USE; OR  
18    (B) THE COST OF REPAIRS EXCEEDING THE ORIGINAL PURCHASE PRICE OF THE  
19    PRODUCT.  
20    5. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR ABRIDGE ANY  
21    STATUTORY OR OTHER RIGHT OR REMEDY OF A CONSUMER AT LAW OR IN EQUITY.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1       S   2.   This   act   shall   take   effect   on   the   first   day   of   the   thirteenth  
2   month   after   it   shall   have   become   a   law,   and   shall   apply   only   to   warran-  
3   ties,   extended   warranties,   or   service   contracts   for   electronics   entered  
4   into   on   or   after   such   effective   date.