S T A T E O F N E W Y O R K

1240

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sens. ADDABBO, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the sale of tires

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

Section 1. Subdivision 35 of section 375 of the vehicle and traffic law is amended by adding a new paragraph (d) to read as follows:

(D)(I) NO TIRE SHALL BE DISTRIBUTED, SOLD OR OFFERED FOR SALE IN THIS STATE UNLESS, PRIOR TO THE SALE OF SUCH TIRE, A LABEL OR STICKER IN A MANNER AND FORM TO BE DETERMINED BY THE COMMISSIONER IS AFFIXED TO SUCH TIRE CLEARLY DISPLAYING THE MANUFACTURER AND THE DATE OF CREATION OF SUCH TIRE. UPON SALE OF A TIRE A RECEIPT SHALL BE PROVIDED TO THE PURCHASER WHICH INDICATES THE MANUFACTURER AND THE DATE OF CREATION OF SUCH TIRE.

(II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL NOT APPLY TO ANY MOTOR VEHICLE WITH TIRES INSTALLED AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH.

(III) NO TIRE SHALL BE INSTALLED IN THIS STATE UNLESS THE STICKER REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH IS AFFIXED TO SUCH TIRE. UPON INSTALLATION OF A TIRE BY ANYONE OTHER THAN THE OWNER OF THE MOTOR VEHICLE A RECEIPT SHALL BE PROVIDED WHICH INDICATES THE MANUFACTURER AND THE DATE OF CREATION OF SUCH TIRE.

(IV) WHENEVER THERE SHALL BE A VIOLATION OF THIS SUBDIVISION, APPLICATION MAY BE MADE BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO A COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL PROCEEDING TO ISSUE AN INJUNCTION AND UPON NOTICE TO THE DEFENDANT OF NOT LESS THAN FIVE DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH VIOLATION OR TO ENFORCE THE PROVISIONS OF THIS SECTION; AND IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE DEFENDANT HAS, IN FACT, VIOLATED THIS SUBDIVISION, AN INJUNCTION MAY BE

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

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ISSUED BY SUCH COURT OR JUSTICE, ENJOINING AND RESTRAINING ANY FURTHER VIOLATION, WITHOUT REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN INJURED OR DAMAGED THEREBY. WHENEVER THE COURT SHALL DETERMINE THAT A VIOLATION OF THIS SUBDIVISION HAS OCCURRED THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION. IN CONNECTION WITH ANY SUCH PROPOSED APPLICATION, THE ATTORNEY GENERAL IS AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE RELEVANT FACTS AND ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.