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

4074--A

2011-2012 Regular Sessions

I N  S E N A T E

March 16, 2011

Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to the selling, offering for sale or distribution of any electrical or extension cords with a fraudulent seal for the Underwriters' Laboratory

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

Section 1. The general business law is amended by adding a new section 349-e to read as follows:

S 349-E. SELLING OF FRAUDULENT ELECTRICAL OR EXTENSION CORDS. 1. NO MERCHANT, MANUFACTURER, FIRM, CORPORATION, ASSOCIATION OR AGENT OR EMPLOYEE THEREOF SHALL KNOWINGLY SELL, OFFER FOR SALE OR DISTRIBUTE IN THIS STATE ANY ELECTRICAL CORD OR EXTENSION CORD WITH A FRAUDULENT SEAL FOR THE UNDERWRITERS' LABORATORY. FOR THE PURPOSES OF THIS SECTION, THE TERM "MERCHANT" SHALL MEAN A PERSON, FIRM OR CORPORATION ENGAGED IN THE SALE, DISPLAY OR OFFERING FOR SALE OF CONSUMER PRODUCTS OR MERCHANDISE AT AN ESTABLISHED RETAIL STORE TO A CONSUMER.

2. EVERY MERCHANT, MANUFACTURER, FIRM, CORPORATION OR ASSOCIATION SHALL BE RESPONSIBLE FOR THE TRAINING AND EDUCATION OF ITS EMPLOYEES TO LEARN THE DIFFERENCE BETWEEN CERTIFIED UNDERWRITERS' LABORATORY ELECTRICAL OR EXTENSION CORDS AND FRAUDULENT OR COUNTERFEIT ELECTRICAL OR EXTENSION CORDS.

3. THE PROVISIONS OF THIS SECTION SHALL NOT BE DEEMED TO ALTER OR OTHERWISE SUPERSEDE ANY OTHER LABELING OR DISCLOSURE REQUIREMENT IMPOSED BY STATE OR FEDERAL LAW.

4. ENFORCEMENT SHALL BE PROVIDED BY THE LOCAL GOVERNMENT CODE ENFORCEMENT ENTITY.

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

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5. THE CIVIL PENALTY FOR A VIOLATION OF THIS SECTION SHALL BE A FINE UP TO ONE HUNDRED DOLLARS AND THE SELLER OR DISTRIBUTOR SHALL COMPLETE A TRAINING SEMINAR ON HOW TO IDENTIFY FALSE UNDERWRITERS' LABORATORY LABELS. FOR THE SECOND OR SUBSEQUENT VIOLATIONS OF THIS SECTION, THE FINE SHALL BE UP TO FIVE HUNDRED DOLLARS. EACH SALE OF A FRAUDULENT ELECTRICAL OR EXTENSION CORD IN VIOLATION OF THIS SECTION SHALL CONSTITUTE A SEPARATE VIOLATION.

6. A TRAINING COMPONENT SHALL BE CREATED AND PROVIDED BY THE OFFICE OF FIRE PREVENTION AND CONTROL AND SHALL BE MADE AVAILABLE ON ITS WEBSITE. ANY PERSON FOUND SELLING ELECTRICAL PRODUCTS WITH FALSE UNDERWRITERS' LABORATORY LABELS SHALL TAKE AN ON-LINE COURSE.

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