

3961

2013-2014 Regular Sessions

I N S E N A T E

March 1, 2013

Introduced by Sen. MARTINS -- 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 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:

- 1 Section 1. The general business law is amended by adding a new section
2 349-e to read as follows:
3 S 349-E. SELLING OF FRAUDULENT ELECTRICAL OR EXTENSION CORDS. 1. NO
4 MERCHANT, MANUFACTURER, FIRM, CORPORATION, ASSOCIATION OR AGENT OR
5 EMPLOYEE THEREOF SHALL KNOWINGLY SELL, OFFER FOR SALE OR DISTRIBUTE IN
6 THIS STATE ANY ELECTRICAL CORD OR EXTENSION CORD WITH A FRAUDULENT SEAL
7 FOR THE UNDERWRITERS' LABORATORY. FOR THE PURPOSES OF THIS SECTION, THE
8 TERM "MERCHANT" SHALL MEAN A PERSON, FIRM OR CORPORATION ENGAGED IN THE
9 SALE, DISPLAY OR OFFERING FOR SALE OF CONSUMER PRODUCTS OR MERCHANDISE
10 AT AN ESTABLISHED RETAIL STORE TO A CONSUMER.
11 2. EVERY MERCHANT, MANUFACTURER, FIRM, CORPORATION OR ASSOCIATION
12 SHALL BE RESPONSIBLE FOR THE TRAINING AND EDUCATION OF ITS EMPLOYEES TO
13 LEARN THE DIFFERENCE BETWEEN CERTIFIED UNDERWRITERS' LABORATORY ELEC-
14 TRICAL OR EXTENSION CORDS AND FRAUDULENT OR COUNTERFEIT ELECTRICAL OR
15 EXTENSION CORDS.
16 3. THE PROVISIONS OF THIS SECTION SHALL NOT BE DEEMED TO ALTER OR
17 OTHERWISE SUPERSEDE ANY OTHER LABELING OR DISCLOSURE REQUIREMENT IMPOSED
18 BY STATE OR FEDERAL LAW.
19 4. ENFORCEMENT SHALL BE PROVIDED BY THE LOCAL GOVERNMENT CODE ENFORCE-
20 MENT ENTITY.
21 5. THE CIVIL PENALTY FOR A VIOLATION OF THIS SECTION SHALL BE A FINE
22 UP TO ONE HUNDRED DOLLARS AND THE SELLER OR DISTRIBUTOR SHALL COMPLETE A
23 TRAINING SEMINAR ON HOW TO IDENTIFY FALSE UNDERWRITERS' LABORATORY
24 LABELS. FOR THE SECOND OR SUBSEQUENT VIOLATIONS OF THIS SECTION, THE

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

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1 FINE SHALL BE UP TO FIVE HUNDRED DOLLARS. EACH SALE OF A FRAUDULENT
2 ELECTRICAL OR EXTENSION CORD IN VIOLATION OF THIS SECTION SHALL CONSTI-
3 TUTE A SEPARATE VIOLATION.

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

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