

STATE OF NEW YORK

4421--A

Cal. No. 139

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. ZEBROWSKI, ENGLEBRIGHT, SIMON, DICKENS, DE LA ROSA, JAFFEE, CRESPO, GUNTHER, McDONOUGH -- Multi-Sponsored by -- M. of A. BUCHWALD, GALEF -- read once and referred to the Committee on Consumer Affairs and Protection -- reported and referred to the Committee on Codes -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law, in relation to enacting "Harper's Law" requiring tip restraint devices on certain furniture

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as "Harper's Law".

2 § 2. The general business law is amended by adding a new section 399-
3 ii to read as follows:

4 § 399-ii. Furniture tip restraint device. 1. As used in this section:

5 (a) "furniture" shall mean a clothing storage unit that is freestanding
6 and over thirty inches in height including but not limited to
7 chests, dressers, armoires, and bureaus; and

8 (b) "tip restraint device" shall mean a mechanism that is designed to
9 reduce the risk of furniture tipping over. Such mechanism may include
10 straps, wall brackets, steel cables, or plug and screw sets.

11 2. No person, firm, partnership, association, limited liability compa-
12 ny, corporation, or other entity shall sell or offer to sell new furni-
13 ture to a consumer at retail unless the furniture conforms to standards
14 endorsed or established by the federal Consumer Product Safety Commis-
15 sion or a standard established by ASTM International which requires
16 furniture to contain a tip restraint device and carry a permanent warn-
17 ing label, including but not limited to, ASTM F2057.

18 3. A person, firm, partnership, association, limited liability compa-
19 ny, corporation, or other entity may sell or offer to sell new furniture
20 that does not meet the requirements in subdivision two of this section

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

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1 if the retailer: (a) maintains in stock and prominently displays within
2 the store tip restraint devices available for sale that are compatible
3 with such furniture; and (b) posts a notice, in a conspicuous location
4 which may be easily seen or reached by customers, that, in legible
5 format, states: "Certain furniture may become unstable and tip over,
6 leading to possible injury or death. Tip restraint devices may prevent
7 tipping of furniture when properly installed."

8 4. Any person, firm, partnership, association, limited liability
9 company, corporation, or other entity that sells or offers to sell new
10 furniture to a consumer at retail in violation of the provisions of this
11 section shall be liable for a civil penalty not to exceed five hundred
12 dollars for each violation.

13 § 3. This act shall take effect on the ninetieth day after it shall
14 have become a law.