_____

11009

I N   A S S E M B L Y

May 6, 2010
_____

Introduced by M. of A. MORELLE -- read once and referred to the Commit-
    tee 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1   Section 1. Subdivision 35 of section 375 of the vehicle and traffic
2 law is amended by adding a new paragraph (d) to read as follows:
3   (D)(I) NO TIRE SHALL BE DISTRIBUTED, SOLD OR OFFERED FOR SALE IN THIS
4 STATE UNLESS, PRIOR TO THE SALE OF SUCH TIRE, A LABEL OR STICKER IN A
5 MANNER AND FORM TO BE DETERMINED BY THE COMMISSIONER IS AFFIXED TO SUCH
6 TIRE CLEARLY DISPLAYING THE MANUFACTURER AND THE DATE OF CREATION OF
7 SUCH TIRE.
8   (II) WHENEVER THERE SHALL BE A VIOLATION OF THIS SECTION, APPLICATION
9 MAY BE MADE BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE
10 STATE OF NEW YORK TO A COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL
11 PROCEEDING TO ISSUE AN INJUNCTION AND UPON NOTICE TO THE DEFENDANT OF
12 NOT LESS THAN FIVE DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH
13 VIOLATION OR TO ENFORCE THE PROVISIONS OF THIS SECTION; AND IF IT SHALL
14 APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE DEFENDANT
15 HAS, IN FACT, VIOLATED THIS SECTION, AN INJUNCTION MAY BE ISSUED BY SUCH
16 COURT OR JUSTICE, ENJOINING AND RESTRAINING ANY FURTHER VIOLATION, WITH-
17 OUT REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN INJURED OR
18 DAMAGED THEREBY. WHENEVER THE COURT SHALL DETERMINE THAT A VIOLATION OF
19 THIS SECTION HAS OCCURRED THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT
20 MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION. IN CONNECTION WITH
21 ANY SUCH PROPOSED APPLICATION, THE ATTORNEY GENERAL IS AUTHORIZED TO
22 TAKE PROOF AND MAKE A DETERMINATION OF THE RELEVANT FACTS AND ISSUE
23 SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES.
24   S 2. This act shall take effect on the ninetieth day after it shall
25 have become a law.

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