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

2403

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. GANTT -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting the wearing of certain apparel by consumers prior to the purchase thereof

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

Section 1. Article 40 and sections 900 and 901 of the general business law, as renumbered by chapter 407 of the laws of 1973, are renumbered article 41 and sections 910 and 911 and a new article 40 is added to read as follows:

ARTICLE 40

WEARING OF CERTAIN APPAREL PRIOR TO PURCHASE PROHIBITED

SECTION 900. DEFINITIONS.

901. WEARING OF ARTICLES OF WEARING APPAREL PRIOR TO PURCHASE PROHIBITED.

902. PENALTIES.

S 900. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "RETAIL MERCANTILE ESTABLISHMENT" MEANS A PLACE WHERE MERCHANDISE IS OFFERED TO THE PUBLIC FOR SALE.

2. "ARTICLE OF WEARING APPAREL" MEANS ANY COSTUME OR ARTICLE OF CLOTHING WORN OR INTENDED TO BE WORN BY INDIVIDUALS AND KNOWN BY COMMON PARLANCE AS UNDERWEAR.

S 901. WEARING OF ARTICLES OF WEARING APPAREL PRIOR TO PURCHASE PROHIBITED. NO INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER FORM OF BUSINESS ENTERPRISE OPERATING A RETAIL MERCANTILE ESTABLISHMENT SHALL PERMIT ANY INDIVIDUAL TO WEAR AN ARTICLE OF WEARING APPAREL AS DEFINED IN SUBDIVISION TWO OF SECTION NINE HUNDRED OF THIS ARTICLE, WHICH IS OFFERED FOR SALE BY SUCH ESTABLISHMENT, PRIOR TO THE PURCHASE OF ANY SUCH ARTICLE.

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

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S 902. PENALTIES. ANY INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER FORM OF BUSINESS ENTERPRISE VIOLATING THE PROVISIONS OF SECTION NINE HUNDRED ONE OF THIS ARTICLE SHALL BE LIABLE TO A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED DOLLARS, AND, FOR ANY SUBSEQUENT VIOLATION SHALL BE LIABLE TO A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.