

7602--B

Cal. No. 506

2009-2010 Regular Sessions

I N A S S E M B L Y

April 16, 2009

Introduced by M. of A. MILLMAN, TITONE, KOON -- Multi-Sponsored by -- M. of A. BARRON, BENJAMIN, BOYLAND, BRENNAN, CAHILL, CARROZZA, CLARK, DINOWITZ, FARRELL, FIELDS, GALEF, GLICK, GOTTFRIED, JEFFRIES, JOHN, MAISEL, MARKEY, MAYERSOHN, McENENY, PERRY, PHEFFER, REILLY, RUSSELL, WEISENBERG, WRIGHT -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law, in relation to the sale of engine coolant and antifreeze

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
2 399-i to read as follows:
3 S 399-I. ENGINE COOLANT AND ANTIFREEZE. 1. ANY ENGINE COOLANT OR ANTI-
4 FREEZE SOLD IN THIS STATE ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN,
5 THAT IS MANUFACTURED ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, AND
6 THAT CONTAINS MORE THAN TEN PERCENT ETHYLENE GLYCOL, SHALL INCLUDE DENA-
7 TONIUM BENZOATE AT A MINIMUM OF THIRTY PARTS PER MILLION AND A MAXIMUM
8 OF FIFTY PARTS PER MILLION AS A BITTERING AGENT WITHIN THE PRODUCT SO AS
9 TO RENDER IT UNPALATABLE. ANY MANUFACTURER OR PACKAGER OF A PRODUCT
10 SUBJECT TO THIS SECTION SHALL MAINTAIN A RECORD OF THE TRADE NAME,
11 SCIENTIFIC NAME, AND ACTIVE INGREDIENTS OF ANY BITTERING AGENT USED
12 PURSUANT TO THIS SECTION. INFORMATION AND DOCUMENTATION MAINTAINED
13 PURSUANT TO THIS SECTION SHALL BE FURNISHED TO ANY MEMBER OF THE PUBLIC
14 UPON REQUEST.
15 2. THIS SECTION SHALL NOT BE CONSTRUED TO APPLY TO THE SALE OF A MOTOR
16 VEHICLE THAT CONTAINS ENGINE COOLANT OR ANTIFREEZE.

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

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1 3. FOR PURPOSES OF THIS SECTION, THE TERMS "ENGINE COOLANT" AND "ANTI-
2 FREEZE" SHALL MEAN ANY ENGINE COOLANT OR ANTIFREEZE THAT CONTAINS MORE
3 THAN TEN PERCENT ETHYLENE GLYCOL.

4 4. A MANUFACTURER, PROCESSOR, DISTRIBUTOR, RECYCLER, OR SELLER OF AN
5 ENGINE COOLANT OR ANTIFREEZE THAT IS REQUIRED TO CONTAIN A BITTERING
6 AGENT UNDER SUBDIVISION ONE OF THIS SECTION SHALL NOT BE LIABLE TO ANY
7 PERSON FOR ANY PERSONAL INJURY, DEATH, PROPERTY DAMAGE, DAMAGE TO THE
8 ENVIRONMENT (INCLUDING NATURAL RESOURCES), OR ECONOMIC LOSS THAT RESULTS
9 FROM THE INCLUSION OF DENATONIUM BENZOATE IN ANY ENGINE COOLANT OR ANTI-
10 FREEZE, PROVIDED THAT THE INCLUSION OF DENATONIUM BENZOATE IS PRESENT IN
11 CONCENTRATIONS MANDATED BY SUBDIVISION ONE OF THIS SECTION. THE LIMITA-
12 TION ON LIABILITY PROVIDED IN THIS SUBDIVISION DOES NOT APPLY TO A
13 PARTICULAR LIABILITY TO THE EXTENT THAT THE CAUSE OF SUCH LIABILITY IS
14 UNRELATED TO THE INCLUSION OF DENATONIUM BENZOATE IN ANY ENGINE COOLANT
15 OR ANTIFREEZE.

16 S 2. This act shall take effect January 1, 2011.