

1383

2009-2010 Regular Sessions

I N   S E N A T E

January 29, 2009

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Introduced by Sens. STAVISKY, ADAMS, DIAZ, DUANE, C. JOHNSON, PARKER --  
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 purchase,  
sale, or installation of salvaged high-intensity discharge headlamps

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

1     Section 1. The general business law is amended by adding a new section  
2     398-e to read as follows:

3     S 398-E. PURCHASE, SALE, OR INSTALLATION OF SALVAGED HIGH-INTENSITY  
4     DISCHARGE HEADLAMPS. 1. FOR THE PURPOSES OF THIS SECTION, A "HIGH-INTEN-  
5     SITY DISCHARGE/HID HEADLAMP" MEANS A HEADLAMP WHICH EMITS TWICE THE  
6     LIGHT OF A CONVENTIONAL HALOGEN HEADLAMP AND PRODUCES A BLUE-WHITE  
7     LIGHT.

8     2. ANY PERSON ENGAGED IN THE BUSINESS OF PURCHASING, SELLING, OR  
9     INSTALLING SALVAGED HIGH-INTENSITY DISCHARGE HEADLAMPS SHALL MAINTAIN A  
10    MANUAL OR ELECTRONIC RECORD OF THE PURCHASE, SALE, OR INSTALLATION,  
11    WHICH MUST INCLUDE THE IDENTIFICATION NUMBER OF THE SALVAGED HID HEAD-  
12    LAMP; THE VEHICLE IDENTIFICATION NUMBER OF THE VEHICLE FROM WHICH THE  
13    SALVAGED HID HEADLAMP WAS REMOVED; THE NAME, ADDRESS, AND DRIVER'S  
14    LICENSE NUMBER OR OTHER MEANS OF IDENTIFICATION OF THE PERSON FROM WHOM  
15    THE SALVAGED HID HEADLAMP WAS PURCHASED; AND, IN THE EVENT THAT THE  
16    SALVAGED HID HEADLAMP IS INSTALLED, THE VEHICLE IDENTIFICATION NUMBER OF  
17    THE VEHICLE INTO WHICH THE HID HEADLAMP IS INSTALLED. SUCH RECORD MUST  
18    BE MAINTAINED FOR THIRTY-SIX MONTHS FOLLOWING THE TRANSACTION AND MAY BE  
19    INSPECTED DURING NORMAL BUSINESS HOURS BY ANY LAW ENFORCEMENT OFFICER OF  
20    THIS STATE. ANY PERSON WHO SELLS A SALVAGED HID HEADLAMP OR WHO INSTALLS  
21    A SALVAGED HID HEADLAMP MUST DISCLOSE TO THE PURCHASER OR CONSUMER THAT  
22    THE HID HEADLAMP IS SALVAGED.

23    3. ANY PERSON WHO KNOWINGLY POSSESSES, SELLS, OR INSTALLS A STOLEN  
24    UNINSTALLED HIGH-INTENSITY DISCHARGE HEADLAMP SHALL BE GUILTY OF A CLASS

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

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1 E FELONY. THE OWNER OR PROPRIETOR OF ANY BUSINESS THAT FAILS TO MAINTAIN  
2 COMPLETE AND ACCURATE RECORDS AS REQUIRED BY SUBDIVISION TWO OF THIS  
3 SECTION SHALL BE GUILTY OF A MISDEMEANOR FOR SUCH FAILURE.  
4 S 2. This act shall take effect on the first of November next succeed-  
5 ing the date on which it shall have become a law.