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

8687

2009-2010 Regular Sessions

I N A S S E M B L Y

June 3, 2009

Introduced by M. of A. ROSENTHAL, LUPARDO -- Multi-Sponsored by -- M. of A. JOHN, WEISENBERG -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the general business law, in relation to prohibiting the sale and use of wheel weights containing lead or mercury

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

Section 1. The general business law is amended by adding a new section 391-q to read as follows:

S 391-Q. LEAD OR MERCURY WHEEL WEIGHT; PROHIBITED. 1. ON AND AFTER JANUARY FIRST, TWO THOUSAND ELEVEN ANY PERSON REPLACING OR BALANCING A TIRE ON A MOTOR VEHICLE REQUIRED TO BE REGISTERED UNDER ARTICLE FOURTEEN OF TITLE FOUR OF THE VEHICLE AND TRAFFIC LAW, SHALL NOT USE A WHEEL WEIGHT OR OTHER PRODUCT FOR BALANCING MOTOR VEHICLE WHEELS IF THE WEIGHT OR OTHER BALANCING PRODUCT CONTAINS LEAD OR MERCURY THAT WAS INTENTIONALLY ADDED DURING THE MANUFACTURE OF THE PRODUCT.

2. ON AND AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, A PERSON SHALL NOT SELL OR OFFER TO SELL OR DISTRIBUTE WEIGHTS OR OTHER PRODUCTS FOR BALANCING MOTOR VEHICLE WHEELS IF THE WEIGHT OR OTHER BALANCING PRODUCT CONTAINS LEAD OR MERCURY THAT WAS INTENTIONALLY ADDED DURING THE MANUFACTURE OF THE PRODUCT.

3. ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, A PERSON MAY NOT SELL A NEW MOTOR VEHICLE THAT IS EQUIPPED WITH A WEIGHT OR OTHER PRODUCT FOR BALANCING MOTOR VEHICLE WHEELS IF THE WEIGHT OR OTHER BALANCING PRODUCT CONTAINS LEAD OR MERCURY THAT WAS INTENTIONALLY ADDED DURING THE MANUFACTURE OF THE PRODUCT.

4. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "LEAD OR MERCURY WHEEL WEIGHT" MEANS ANY EXTERNALLY AFFIXED OR ATTACHED WHEEL WEIGHT USED FOR BALANCING MOTOR VEHICLE WHEELS AND COMPOSED OF GREATER THAN 0.1 PERCENT LEAD OR MERCURY BY WEIGHT.

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

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B. "NEW MOTOR VEHICLE" MEANS A MOTOR VEHICLE THAT IS REQUIRED TO BE REGISTERED UNDER ARTICLE FOURTEEN OF TITLE FOUR OF THE VEHICLE AND TRAFFIC LAW THAT HAS NOT BEEN PREVIOUSLY SOLD TO ANY PERSON EXCEPT A DISTRIBUTOR, WHOLESALER OR MOTOR VEHICLE DEALER FOR RESALE.

C. "PERSON" MEANS ANY INDIVIDUAL, FIRM, ASSOCIATION, PARTNERSHIP, CORPORATION, ORGANIZATION, OR JOINT VENTURE.

S 2. This act shall take effect immediately.