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

8687--B

2009-2010 Regular Sessions

I N A S S E M B L Y

June 3, 2009

Introduced by M. of A. ROSENTHAL, SPANO, LUPARDO, HOOPER -- Multi-Sponsored by -- M. of A. JOHN, WEISENBERG -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry -- recommitted to the Committee on Economic Development, Job Creation, Commerce and Industry in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to prohibiting the sale and use of wheel weights containing lead

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

Section 1. The environmental conservation law is amended by adding a new section 37-0113 to read as follows:

S 37-0113. LEAD WHEEL WEIGHT; PROHIBITED.

1. ON AND AFTER APRIL 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 MORE THAN 0.1 PERCENT LEAD BY WEIGHT.

2. ON AND AFTER APRIL 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 MORE THAN 0.1 PERCENT LEAD BY WEIGHT.

3. ON AND AFTER APRIL 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 MORE THAN 0.1 PERCENT LEAD BY WEIGHT.

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

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

A. "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.

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

S 2. This act shall take effect immediately.