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

1383

2009-2010 Regular Sessions

I N S E N A T E

January 29, 2009

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

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

3. ANY PERSON WHO KNOWINGLY POSSESSES, SELLS, OR INSTALLS A STOLEN 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.

LBD04888-01-9

E FELONY. THE OWNER OR PROPRIETOR OF ANY BUSINESS THAT FAILS TO MAINTAIN COMPLETE AND ACCURATE RECORDS AS REQUIRED BY SUBDIVISION TWO OF THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR FOR SUCH FAILURE.

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