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

3862

2011-2012 Regular Sessions

I N S E N A T E

March 8, 2011

Introduced by Sen. ALESI -- 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 sale of engine coolant and antifreeze

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 399-j to read as follows:

S 399-J. ENGINE COOLANT AND ANTIFREEZE. 1. ANY ENGINE COOLANT OR ANTIFREEZE SOLD IN THIS STATE THAT IS MANUFACTURED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE, AND THAT CONTAINS MORE THAN TEN PERCENT ETHYLENE GLYCOL, SHALL INCLUDE DENATONIUM BENZOATE AT A MINIMUM OF THIRTY PARTS PER MILLION AND A MAXIMUM OF FIFTY PARTS PER MILLION AS A BITTERING AGENT WITHIN THE PRODUCT SO AS TO RENDER IT UNPALATABLE. ANY MANUFACTURER OR PACKAGER OF A PRODUCT SUBJECT TO THIS SECTION SHALL MAINTAIN A RECORD OF THE TRADE NAME, SCIENTIFIC NAME, AND ACTIVE INGREDIENTS OF ANY BITTERING AGENT USED PURSUANT TO THIS SECTION. INFORMATION AND DOCUMENTATION MAINTAINED PURSUANT TO THIS SECTION SHALL BE FURNISHED TO ANY MEMBER OF THE PUBLIC UPON REQUEST.

2. THIS SECTION SHALL NOT BE CONSTRUED TO APPLY TO THE SALE OF A MOTOR VEHICLE THAT CONTAINS ENGINE COOLANT OR ANTIFREEZE, NOR TO WHOLESALE CONTAINERS OF ENGINE COOLANT OR ANTIFREEZE CONTAINING FIFTY-FIVE GALLONS OR MORE OF ENGINE COOLANT OR ANTIFREEZE.

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

4. A MANUFACTURER, PROCESSOR, DISTRIBUTOR, RECYCLER, OR SELLER OF AN ENGINE COOLANT OR ANTIFREEZE THAT IS REQUIRED TO CONTAIN A BITTERING AGENT UNDER SUBDIVISION ONE OF THIS SECTION SHALL NOT BE LIABLE TO ANY PERSON FOR ANY PERSONAL INJURY, DEATH, PROPERTY DAMAGE, DAMAGE TO THE ENVIRONMENT (INCLUDING NATURAL RESOURCES), OR ECONOMIC LOSS THAT RESULTS

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

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FROM THE INCLUSION OF DENATONIUM BENZOATE IN ANY ENGINE COOLANT OR ANTI-FREEZE, PROVIDED THAT THE INCLUSION OF DENATONIUM BENZOATE IS PRESENT IN CONCENTRATIONS MANDATED BY SUBDIVISION ONE OF THIS SECTION. THE LIMITATION ON LIABILITY PROVIDED IN THIS SUBDIVISION DOES NOT APPLY TO A PARTICULAR LIABILITY TO THE EXTENT THAT THE CAUSE OF SUCH LIABILITY IS UNRELATED TO THE INCLUSION OF DENATONIUM BENZOATE IN ANY ENGINE COOLANT OR ANTIFREEZE.

S 2. This act shall take effect July 1, 2012.