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

4029

2011-2012 Regular Sessions

I N S E N A T E

March 14, 2011

Introduced by Sens. ZELDIN, GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the executive law, in relation to requiring warning labels on fireplaces and fireplace enclosures that have glass viewing panels

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

Section 1. Section 378 of the executive law is amended by adding a new subdivision 17 to read as follows:

17. STANDARDS FOR FACTORY MANUFACTURED FIREPLACES AND FIREPLACE ENCLOSURES WHICH HAVE GLASS VIEWING PANELS REQUIRING THAT EVERY SUCH FIREPLACE AND ENCLOSURE, SOLD OR INSTALLED AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, SHALL HAVE AFFIXED TO THE GLASS PANELS THEREOF, A CONSPICUOUS ORANGE WARNING LABEL ADVISING THE CONSUMER OF THE GRAVE RISK OF SERIOUS BURNS POSED BY TOUCHING SUCH GLASS PANELS WHEN A FIREPLACE IS OPERATING. NO SUCH WARNING LABEL SHALL BE REMOVED FROM THE GLASS OF A FIREPLACE OR FIREPLACE ENCLOSURE BY ANY PERSON; PROVIDED, HOWEVER, THAT WHEN SUCH A FIREPLACE OR FIREPLACE ENCLOSURE IS INSTALLED IN AN OWNER OCCUPIED DWELLING, SUCH WARNING MAY BE REMOVED BY THE OWNER WHO OCCUPIES SUCH DWELLING. ANY PERSON WHO VIOLATES THE STANDARDS ESTABLISHED PURSUANT TO THIS SUBDIVISION SHALL BE LIABLE FOR A CIVIL PENALTY NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be promulgated, amended and/or repealed on or before such date.

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

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