

2095

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 13, 2011

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Introduced by M. of A. DenDEKKER -- read once and referred to the  
Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the sale of  
tires

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

1     Section 1. Subdivision 35 of section 375 of the vehicle and traffic  
2     law is amended by adding a new paragraph (d) to read as follows:  
3     (D) (I) NO TIRE SHALL BE DISTRIBUTED, SOLD OR OFFERED FOR SALE IN THIS  
4     STATE IF SUCH TIRE IS MORE THAN SIX YEARS OLD.  
5     (II) WHENEVER THERE SHALL BE A VIOLATION OF THIS SECTION, APPLICATION  
6     MAY BE MADE BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE  
7     STATE OF NEW YORK TO A COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL  
8     PROCEEDING TO ISSUE AN INJUNCTION AND UPON NOTICE TO THE DEFENDANT OF  
9     NOT LESS THAN FIVE DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH  
10    VIOLATION OR TO ENFORCE THE PROVISIONS OF THIS SECTION; AND IF IT SHALL  
11    APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE DEFENDANT  
12    HAS, IN FACT, VIOLATED THIS SECTION, AN INJUNCTION MAY BE ISSUED BY SUCH  
13    COURT OR JUSTICE, ENJOINING AND RESTRAINING ANY FURTHER VIOLATION, WITHOUT  
14    REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN INJURED OR  
15    DAMAGED THEREBY. WHENEVER THE COURT SHALL DETERMINE THAT A VIOLATION OF  
16    THIS SECTION HAS OCCURRED THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT  
17    MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION. IN CONNECTION WITH  
18    ANY SUCH PROPOSED APPLICATION, THE ATTORNEY GENERAL IS AUTHORIZED TO  
19    TAKE PROOF AND MAKE A DETERMINATION OF THE RELEVANT FACTS AND ISSUE  
20    SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES.  
21    S 2. This act shall take effect on the thirtieth day after it shall  
22    have become a law.

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

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