

8309

2011-2012 Regular Sessions

I N A S S E M B L Y

June 13, 2011

Introduced by M. of A. KELLNER -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to the sale of fire extinguishers

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

1 Section 1. Section 391-j of the general business law, as added by
2 chapter 253 of the laws of 1987, is amended to read as follows:
3 S 391-j. Sale of fire extinguishers. 1. It shall be unlawful for any
4 person, firm or corporation to sell or offer for sale fire extinguishers
5 unless the fire extinguishers offered for sale:
6 a. Meet the current National Fire Protection Association (NFPA) stand-
7 ards for fire extinguishers of the model offered for sale and are
8 labelled as having met such standards; PROVIDED, HOWEVER, SHOULD NEW
9 TECHNOLOGIES OR ALTERNATIVE ARRANGEMENTS BE DEVELOPED FOR PORTABLE FIRE
10 EXTINGUISHERS NOT IDENTIFIED IN THE PERFORMANCE STANDARDS IN NFPA 10,
11 SUCH FIRE EXTINGUISHERS SHALL NONETHELESS BE LAWFUL PROVIDED THAT THEY
12 COMPLY WITH THE REMAINING PROVISIONS OF THIS SECTION AND ARE CERTIFIED
13 BY A NATIONALLY ACCREDITED TESTING FACILITY;
14 b. Have been tested and approved by the Underwriters Laboratory,
15 INTERTEK, Factory Mutual or other nationally accredited or accepted
16 testing laboratory and are labelled as having been tested and approved;
17 c. Have labelling securely affixed containing the following informa-
18 tion:
19 (1) Operating instructions.
20 (2) The class or rating identifying kinds of fires which the partic-
21 ular extinguisher is suitable to use. This information shall be
22 presented by use of the appropriate letter rating and pictorial marking
23 representations.
24 d. Are accompanied [with an instructional manual that has] BY
25 INSTRUCTIONS HAVING information detailing operational use, basic fire

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

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1 safety information, information on how and where to have the extin-
2 guisher serviced or recharged by an authorized dealer or refer the
3 customer to his local fire department and any information pertaining to
4 checking the extinguisher's contents for operational use by the owner.
5 2. A knowing violation of this section shall be punishable by a civil
6 penalty not to exceed five hundred dollars for a first violation and ten
7 thousand dollars for each succeeding violation.
8 S 2. This act shall take effect immediately.