

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The general business law is amended by adding a new section
2 399-j to read as follows:
3 S 399-J. ENGINE COOLANT AND ANTIFREEZE. 1. ANY ENGINE COOLANT OR ANTI-
4 FREEZE SOLD IN THIS STATE THAT IS MANUFACTURED ON OR AFTER JULY FIRST,
5 TWO THOUSAND TWELVE, AND THAT CONTAINS MORE THAN TEN PERCENT ETHYLENE
6 GLYCOL, SHALL INCLUDE DENATONIUM BENZOATE AT A MINIMUM OF THIRTY PARTS
7 PER MILLION AND A MAXIMUM OF FIFTY PARTS PER MILLION AS A BITTERING
8 AGENT WITHIN THE PRODUCT SO AS TO RENDER IT UNPALATABLE. ANY MANUFACTUR-
9 ER OR PACKAGER OF A PRODUCT SUBJECT TO THIS SECTION SHALL MAINTAIN A
10 RECORD OF THE TRADE NAME, SCIENTIFIC NAME, AND ACTIVE INGREDIENTS OF ANY
11 BITTERING AGENT USED PURSUANT TO THIS SECTION. INFORMATION AND DOCUMEN-
12 TATION MAINTAINED PURSUANT TO THIS SECTION SHALL BE FURNISHED TO ANY
13 MEMBER OF THE PUBLIC UPON REQUEST.
14 2. THIS SECTION SHALL NOT BE CONSTRUED TO APPLY TO THE SALE OF A MOTOR
15 VEHICLE THAT CONTAINS ENGINE COOLANT OR ANTIFREEZE, NOR TO WHOLESALE
16 CONTAINERS OF ENGINE COOLANT OR ANTIFREEZE CONTAINING FIFTY-FIVE GALLONS
17 OR MORE OF ENGINE COOLANT OR ANTIFREEZE.
18 3. FOR PURPOSES OF THIS SECTION, THE TERMS "ENGINE COOLANT" AND "ANTI-
19 FREEZE" SHALL MEAN ANY ENGINE COOLANT OR ANTIFREEZE THAT CONTAINS MORE
20 THAN TEN PERCENT ETHYLENE GLYCOL.
21 4. A MANUFACTURER, PROCESSOR, DISTRIBUTOR, RECYCLER, OR SELLER OF AN
22 ENGINE COOLANT OR ANTIFREEZE THAT IS REQUIRED TO CONTAIN A BITTERING
23 AGENT UNDER SUBDIVISION ONE OF THIS SECTION SHALL NOT BE LIABLE TO ANY
24 PERSON FOR ANY PERSONAL INJURY, DEATH, PROPERTY DAMAGE, DAMAGE TO THE
25 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.

LBD09971-01-1

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

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