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

426

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. DILAN -- 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 coterminous consumer electronics warranties

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-ff to read as follows:

S 399-FF. COTERMINOUS WARRANTIES FOR CONSUMER ELECTRONICS. 1. FOR THE PURPOSES OF THIS SECTION, "ELECTRONIC" MEANS A "COMMERCIAL UNIT" AS DEFINED IN SECTION 2-A-103 OF THE UNIFORM COMMERCIAL CODE CONTAINING TECHNOLOGY HAVING ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC OR SIMILAR CAPABILITIES.

2. THE WARRANTY DURATION FOR ALL NON-CONSUMABLE COMPONENTS OF AN ELECTRONIC SHALL BE COTERMINOUS. NO EXPRESS WARRANTY SHALL DISCLAIM THE WARRANTY OF ANY PARTICULAR PART OF AN ELECTRONIC.

3. IF AN EXPRESS WARRANTY INDICATES DIFFERING DURATIONS FOR DIFFERENT COMPONENTS, THE LONGEST DURATION SHALL BE IN EFFECT FOR ALL COMPONENTS.

4. A WARRANTY HOLDER SHALL NOT BE REQUIRED TO PAY ANY FEES OR CHARGES, FOR OTHERWISE COVERED REPAIRS, NOR SHALL AN EXTENDED WARRANTY, OR SERVICE CONTRACT FOR ELECTRONICS BECOME VOID DUE TO:

(A) SCRATCHES, DENTS, CHIPS, OR ANY OTHER SLIGHT COSMETIC DEFECTS THAT OCCUR TO ELECTRONICS WITH REGULAR USE; OR

(B) THE COST OF REPAIRS EXCEEDING THE ORIGINAL PURCHASE PRICE OF THE PRODUCT.

5. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR ABRIDGE ANY STATUTORY OR OTHER RIGHT OR REMEDY OF A CONSUMER AT LAW OR IN EQUITY.

S 2. This act shall take effect on the first day of the thirteenth month after it shall have become a law, and shall apply only to warranties, extended warranties, or service contracts for electronics entered into on or after such effective date.

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

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