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I N   S E N A T E

January 31, 2014

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Introduced by Sen. LITTLE -- 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 creating the "fair accountability in retail act"

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

- 1     Section 1. This act shall be known and may be cited as the "fair  
2     accountability in retail act".  
3     S 2. The general business law is amended by adding a new section 392-j  
4     to read as follows:  
5     S 392-J. FAIR ACCOUNTABILITY IN RETAIL. 1. NO SELLER OF ANY PRODUCT  
6     SHALL BE LIABLE FOR PERSONAL INJURY, MONETARY LOSS, OR DAMAGE TO PROPER-  
7     TY ARISING OUT OF AN ACCIDENT OR TRANSACTION INVOLVING SUCH PRODUCT,  
8     UNLESS THE CLAIMANT PROVES ONE OR MORE OF THE FOLLOWING NON-SALE ACTIV-  
9     ITIES BY THE SELLER:  
10     (A) THE SELLER WAS THE MANUFACTURER OF THE PRODUCT;  
11     (B) THE SELLER PARTICIPATED IN THE DESIGN OF THE PRODUCT;  
12     (C) THE SELLER PARTICIPATED IN THE INSTALLATION OF THE PRODUCT; OR  
13     (D) THE SELLER ALTERED, MODIFIED, OR EXPRESSLY WARRANTED THE PRODUCT  
14     IN A MANNER NOT AUTHORIZED BY THE MANUFACTURER.  
15     2. IF THE CLAIMANT PROVES ONE OR MORE OF THE NON-SALE ACTIVITIES  
16     DESCRIBED IN SUBDIVISION ONE OF THIS SECTION AND SUCH NON-SALE ACTIVITY  
17     WAS NEGLIGENT, THE SELLER'S LIABILITY SHALL BE LIMITED TO THE PERSONAL  
18     INJURY, MONETARY LOSS, OR DAMAGES TO PROPERTY DIRECTLY CAUSED BY SUCH  
19     NON-SALE ACTIVITY.  
20     3. AS USED IN THIS SECTION:  
21     (A) "MANUFACTURER" SHALL MEAN A PERSON WHO IS LAWFULLY ENGAGED IN THE  
22     BUSINESS OF MANUFACTURING A PRODUCT IN INTERSTATE OR FOREIGN COMMERCE  
23     DURING SUCH PERSON'S REGULAR COURSE OF TRADE OR BUSINESS.  
24     (B) "PERSON" SHALL MEAN ANY INDIVIDUAL, CORPORATION, COMPANY, ASSOCI-  
25     ATION, FIRM, PARTNERSHIP, SOCIETY, JOINT STOCK COMPANY, OR ANY OTHER  
26     ENTITY, INCLUDING ANY GOVERNMENTAL ENTITY.  
27     (C) "SELLER" SHALL MEAN A PERSON WHO IS LAWFULLY ENGAGED IN THE BUSI-  
28     NESS OF MARKETING, DISTRIBUTING, ADVERTISING, OR SELLING A PRODUCT IN

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

LBD13204-01-3

1 INTERSTATE OR FOREIGN COMMERCE DURING SUCH PERSON'S REGULAR COURSE OF  
2 TRADE OR BUSINESS.  
3 S 3. This act shall take effect immediately.