STATE OF NEW YORK

6559

2017-2018 Regular Sessions

IN ASSEMBLY

March 9, 2017

Introduced by M. of A. SCHIMMINGER, JENNE, LOPEZ -- Multi-Sponsored by -- M. of A. COOK, MAGEE, RIVERA -- read once and referred to the Committee on Economic Development

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:

Section 1. This act shall be known and may be cited as the "fair accountability in retail act".

§ 2. The general business law is amended by adding a new section 392-k to read as follows:

§ 392-k. Fair accountability in retail. 1. No seller of any product shall be liable for personal injury, monetary loss, or damage to property arising out of an accident or transaction involving such product, unless the claimant proves one or more of the following non-sale activities by the seller:

(a) the seller was the manufacturer of the product;

(b) the seller participated in the design of the product;

(c) the seller participated in the installation of the product; or

(d) the seller altered, modified, or expressly warranted the product in a manner not authorized by the manufacturer.

2. If the claimant proves one or more of the non-sale activities described in subdivision one of this section and such non-sale activity was negligent, the seller's liability shall be limited to the personal injury, monetary loss, or damages to property directly caused by such non-sale activity.

3. As used in this section:

(a) "Manufacturer" shall mean a person who is lawfully engaged in the business of manufacturing a product in interstate or foreign commerce during such person's regular course of trade or business.

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

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(b) "Person" shall mean any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(c) "Seller" shall mean a person who is lawfully engaged in the business of marketing, distributing, advertising, or selling a product in interstate or foreign commerce during such person's regular course of trade or business.

§ 3. This act shall take effect immediately.