

STATE OF NEW YORK

7516

2017-2018 Regular Sessions

IN ASSEMBLY

April 28, 2017

Introduced by M. of A. ZEBROWSKI, ENGLEBRIGHT, McDONOUGH, HOOPER, SIMON,
DICKENS, HARRIS -- Multi-Sponsored by -- M. of A. GALEF -- read once
and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring tip
restraint devices on certain furniture

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. This act shall be known and may be cited as "Harper's Law".
2 § 2. The general business law is amended by adding a new section 399-
3 ii to read as follows:

4 § 399-ii. Furniture tip restraint device. 1. As used in this section:

5 (a) "Furniture" shall mean a clothing storage unit which is freestand-
6 ing and over twenty-five inches in height including but not limited to
7 chests, dressers, armoires, and bureaus.

8 (b) "Tip restraint device" shall mean a mechanism that is designed to
9 reduce the risk of furniture tipping over. A mechanism may include
10 straps, wall brackets, steel cables, or plug and screw sets.

11 2. No person, firm, partnership, association, limited liability compa-
12 ny, corporation, or other entity shall sell or offer to sell new furni-
13 ture to a consumer at retail, unless such furniture contains a tip
14 restraint device as part of the purchase.

15 3. Whenever there shall be a violation of this section, an application
16 may be made by the attorney general in the name of the people of the
17 state of New York to a court or justice having jurisdiction by a special
18 proceeding to issue an injunction, and upon notice to the defendant of
19 not less than five days, to enjoin and restrain the continuance of such
20 violation; and if it shall appear to the satisfaction of the court or
21 justice that the defendant has, in fact, violated this section, an
22 injunction may be issued by the court or justice, enjoining and
23 restraining any further violations, without requiring proof that any
24 person has, in fact, been injured or damaged thereby. In any such

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

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1 proceeding, the court may make allowances to the attorney general as
2 provided in paragraph six of subdivision (a) of section eighty-three
3 hundred three of the civil practice law and rules, and direct restitu-
4 tion. If the court in such a special proceeding determines that a
5 violation of this section has occurred, the court may impose a civil
6 penalty of not more than five hundred dollars or each violation. In
7 connection with any such proposed application, the attorney general is
8 authorized to take proof and make a determination of the relevant facts
9 and to issue subpoenas in accordance with the civil practice laws and
10 rules.

11 § 3. This act shall take effect on the first of January next succeed-
12 ing the date upon which it shall have become a law.