STATE OF NEW YORK

4421

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. ZEBROWSKI, ENGLEBRIGHT, SIMON, DICKENS, DE LA ROSA, JAFFEE, CRESPO, GUNTHER, McDONOUGH -- Multi-Sponsored by -- M. of A. BUCHWALD, GALEF -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to enacting "Harper's Law" requiring tip restraint devices on certain furniture

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 "Harper's Law".

§ 2. The general business law is amended by adding a new section 399-ii to read as follows:

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

(a) "furniture" shall mean a clothing storage unit that is freestanding and over twenty-five inches in height including but not limited to chests, dressers, armoires, and bureaus; and

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

2. No person, firm, partnership, association, limited liability company, corporation, or other entity shall sell or offer to sell new furniture to a consumer at retail unless the retailer (a) maintains in stock and prominently displays within the store tip restraint devices available for sale that are compatible with such furniture; and (b) posts a notice, in a conspicuous location which may be easily seen or reached by customers, that, in legible format, states: "Certain furniture may become unstable and tip over, leading to possible injury or death. Tip restraint devices may prevent tipping of furniture when properly installed." A retailer shall not be required to maintain in stock and prominently display tip restraint devices pursuant to this section for furniture that is offered for sale with a compatible tip restraint device as part of the purchase.

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

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3. The provisions of this section shall not apply to furniture purchased through an online retailer.

4. Any person, firm, partnership, association, limited liability company, corporation, or other entity that sells or offers to sell new furniture to a consumer at retail in violation of the provisions of this section shall be liable for a civil penalty not to exceed five hundred dollars for each violation.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.