

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 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 that is freestand-
6 ing and over twenty-five inches in height including but not limited to
7 chests, dressers, armoires, and bureaus; and

8 (b) "tip restraint device" shall mean a mechanism that is designed to
9 reduce the risk of furniture tipping over. Such 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 the retailer (a) maintains in stock
14 and prominently displays within the store tip restraint devices avail-
15 able for sale that are compatible with such furniture; and (b) posts a
16 notice, in a conspicuous location which may be easily seen or reached by
17 customers, that, in legible format, states: "Certain furniture may
18 become unstable and tip over, leading to possible injury or death. Tip
19 restraint devices may prevent tipping of furniture when properly
20 installed." A retailer shall not be required to maintain in stock and
21 prominently display tip restraint devices pursuant to this section for
22 furniture that is offered for sale with a compatible tip restraint
23 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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1 3. The provisions of this section shall not apply to furniture
2 purchased through an online retailer.

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

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