STATE OF NEW YORK

4421--B

Cal. No. 139

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, ORTIZ -- Multi-Sponsored by -- M. of A. BUCHWALD, GALEF -- read once and referred to the Committee on Consumer Affairs and Protection -- reported and referred to the Committee on Codes -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

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 at least twenty-seven 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 furniture conforms to standards endorsed or established by the federal Consumer Product Safety Commission or, if no such standard exists, a standard established by ASTM International which requires furniture to contain a tip restraint device and carry a permanent warning label, including but not limited to, ASTM F2057.

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

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3. A person, firm, partnership, association, limited liability company, corporation, or other entity may sell or offer to sell new furniture that does not meet the requirements in subdivision two of this section if the furniture sold is outside the scope of the standards prescribed in subdivision two of this section and contains a compatible tip restraint device and carries a permanent warning label, or if the furniture is outside the scope of the standards prescribed in subdivision two of this section and 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."

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.