

STATE OF NEW YORK

8835

IN SENATE

March 19, 2024

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to enacting the "consumer protection and automotive transparency act"

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

- 1 Section 1. Short title. This act shall be known and may be cited as
2 the "consumer protection and automotive transparency act".
- 3 § 2. Legislative purpose and intent. The purpose of this act is to
4 mandate transparency in automotive labeling, ensuring consumers are
5 accurately informed about the materials used in the interiors of automo-
6 biles. Consumers are often misled by the marketing of different types of
7 materials used in making seating surfaces, steering wheels and gear
8 shifters in the automotive industry. This misleading marketing can
9 result in consumers paying more for products that are not what they were
10 expecting or buying a product that they assume is a certain material and
11 it is not. It is important to protect consumers (monetarily, ethically
12 and health-related) by requiring automotive manufacturers to disclose
13 the materials used in their interior products. This legislation aims to
14 protect consumers from deceptive marketing practices and promote trans-
15 parency across the automotive industry.
- 16 (a) The purpose of this legislation is to protect consumers in the
17 automotive industry by ensuring transparency and accurate labeling of
18 materials used in automobile interiors.
- 19 (b) This legislation aims to prevent misleading marketing practices
20 and provide consumers with clear and understandable information about
21 the content of automobile interiors.
- 22 (c) This legislation mandates transparency in the labeling of automo-
23 tive interiors to protect consumers from misleading marketing practices
24 related to leather, fabric and plastic materials.
- 25 (d) This legislation aims to ensure that consumers can make informed
26 decisions about the materials used in automotive interiors.

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

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1 (e) This legislation seeks to establish clear and simple labeling
2 requirements, avoiding unnecessary complexity and ensuring accessibility
3 for consumers of all educational backgrounds.

4 § 3. The general business law is amended by adding a new section 198-d
5 to read as follows:

6 § 198-d. Consumer protection and automotive transparency. (a) Defi-
7 nitions. For the purposes of this section, the following terms shall
8 have the following meanings:

9 (1) "Leather" means any hide or skin products derived from animals
10 that possess an intact original fibrous structure, obtained from hides
11 tanned to prevent decay, that may have been split before or after
12 tanning into layers or segments, and that may have a coating applied.

13 (2) "Fabric" means any cloth or material produced by weaving or knit-
14 ting fibers.

15 (3) "Plastic and coated materials" means rolled goods, or sheets of
16 woven, knit, or non-woven textiles to which a polymer or resin mixture
17 is applied as a surface coating or layer and makes up the majority of
18 the base material.

19 (4) "Label" means any tag, label, or other writing that is attached to
20 or accompanies an automotive product.

21 (5) "Consumer protection division" means the consumer protection divi-
22 sion established pursuant to section ninety-four-a of the executive law.

23 (b) Labeling requirements. (1) Automotive manufacturers shall clearly
24 label the interior materials of vehicles using terms that are easily
25 understandable to the average consumer at a level equivalent to a sixth
26 grade reading comprehension. Automotive manufacturers shall provide
27 transparent and accurate labeling on automobile interiors to ensure that
28 all consumers, regardless of their level of education, can understand
29 the material used in the automobile interior.

30 (2) The interior threshold required for defined labeling shall be
31 based upon the percent of material used on the interactive interior
32 surfaces of an automobile. Interactive interior surfaces shall mean
33 seating surfaces in all rows of the vehicle, headrests, steering wheel,
34 and gear shift. Interactive interior surfaces shall not include seating
35 side and back panels and all other non-seating surfaces in the vehicle.

36 (i) If the interactive interior surface material is greater than
37 seventy percent of a defined composition, then the entire label can be
38 labeled as such.

39 (ii) If the interactive interior surface is composed of less than
40 seventy percent of any of the defined materials, including leather,
41 fabric, or plastic and coated materials, then there shall be a label
42 defining the material used by percentage.

43 (3) The following terms shall be used to describe the materials used
44 in automobile interiors: leather, fabric, plastic and coated materials,
45 and any other material that accurately represents the nature of the
46 interior.

47 (4) The interactive interior surfaces labels shall be clearly visible
48 to the consumers, shall be prominently displayed on the product, and
49 shall be easy to read. The material of the upholstery shall be listed in
50 plain and easy-to-understand language.

51 (c) Prohibition of marketing names. The use of marketing names causing
52 confusion, such as MBtex, ActiveX, Alcantera, Artico, NuLuxe, SansaTec,
53 SofTex, Sophina, Ultrasuede, V-Text or similar marketing names, is
54 prohibited for labeling automobile interiors.

55 (d) Prohibition of deceptive practices. It is prohibited to sell,
56 market, or advertise automobile interiors using terms such as "leather,"

1 "skin," "tanned skin," "coated leather," or any other terms defined in
2 this section, its derivatives, or synonyms, as well as the other terms
3 as a means of naming any other materials which do not comply with the
4 characteristics defined in subdivision (a) of this section, either as a
5 noun or as an adjective, even if entered as prefixes or suffixes in
6 other words, regardless of the language used.

7 (e) Enforcement and penalties. (1) The consumer protection division
8 shall enforce the provisions of this section.

9 (2) Violations of this section may result in penalties, fines, or
10 other appropriate enforcement measures as determined by the consumer
11 protection division.

12 (3) The consumer protection division may investigate any alleged
13 violation of this section and may issue orders to cease and desist oper-
14 ations from any violation. The consumer protection division may also
15 impose civil penalties for violations of this section.

16 § 4. Severability. If any provision of this act is held to be invalid
17 or unenforceable, such invalidity or unenforceability shall not affect
18 the validity or enforceability of any other provision of this act.

19 § 5. This act shall take effect immediately.