SENATE, No. 1044

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:
Senator JOSEPH P. CRYAN
District 20 (Union)

SYNOPSIS

Requires certain furniture retailers to provide notice of furniture tip over risks; requires tip restraint devices be available for purchase.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning furniture sold at retail and supplementing Title 2A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. As used in this section:

"Furniture" means a storage unit that is freestanding and over 36 inches in height including, but not limited to, shelving units, entertainment stands or towers, chests, dressers, armoires, and bureaus.

"Tip restraint device" means a mechanism that is designed to reduce the risk of furniture tipping over and may include straps, wall brackets, steel cables, or plug and screw sets.

b. A person shall not sell or offer for sale new furniture to a consumer at retail without:

(1) maintaining in stock and prominently displaying within the retail establishment tip restraint devices available for sale that are compatible with the furniture; and

(2) posting a notice that is conspicuous, easily understandable, and substantially similar to the following:

"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 person selling or offering for sale new furniture to a consumer at retail shall not be required to maintain in stock and prominently display tip restraint devices pursuant to this section for furniture that is sold with a compatible tip restraint device as part of the purchase.

A tip restraint device sold, offered for sale, or offered gratuitously as part of a furniture purchase shall include installation instructions.

c. The provisions of this section shall not apply to furniture sold or offered for sale to a consumer at retail by a person outside of this State through an Internet website.

d. A person in violation of subsection b. of this section shall be liable for a civil penalty not to exceed $500 for each violation, which may be collected and enforced by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety in a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

2. This act shall take effect on the first day of the fourth month next following the date of enactment.

STATEMENT

This bill requires retailers who sell certain new furniture to offer for sale compatible tip restraint devices and post a notice about the risk of furniture tipping. The bill applies to furniture storage units over 36 inches in height, including, but not limited to, shelving units, entertainment stands or towers, chests, dressers, armoires, and bureaus.

Specifically, the bill requires a retailer selling or offering for sale new furniture to a consumer to: (1) maintain in stock and prominently display within the retail establishment tip restraint devices available for sale that are compatible with the furniture; and (2) post a notice that is conspicuous and easily understandable, stating: "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."

The bill requires that tip restraint devices sold, offered for sale, or offered gratuitously as part of a furniture purchase are to include installation instructions. The bill does not require retailers to maintain in stock and display tip restraint devices for furniture that includes a tip restraint device as part of the purchase. Additionally, the bill is not applicable to online furniture retailers.

A person in violation of the bill's provisions would be subject to a $500 civil penalty.