

# ASSEMBLY, No. 4593

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED OCTOBER 18, 2018

**Sponsored by:**

**Assemblyman GARY S. SCHAER**

**District 36 (Bergen and Passaic)**

**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.



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

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

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7 1. a. As used in this section:

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

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

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

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

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

22 “Certain furniture may become unstable and tip over, leading to  
23 possible injury or death. Tip restraint devices may prevent tipping  
24 of furniture when properly installed.”

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

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

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

36 d. A person in violation of subsection b. of this section shall be  
37 liable for a civil penalty not to exceed \$500 for each violation, to be  
38 collected in a civil action by a summary proceeding under the  
39 “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10  
40 et seq.). The Superior Court shall have jurisdiction of proceedings  
41 for the enforcement of the penalty provided by this section.

42  
43 2. This act shall take effect on the first day of the fourth month  
44 next following the date of enactment.

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# STATEMENT

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49 This bill requires retailers who sell certain new furniture to offer

1 for sale compatible tip restraint devices and post a notice about the  
2 risk of furniture tipping. The bill applies to furniture storage units  
3 over 36 inches in height, including, but not limited to, shelving  
4 units, entertainment stands or towers, chests, dressers, armoires, and  
5 bureaus.

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

12 “Certain furniture may become unstable and tip over, leading to  
13 possible injury or death. Tip restraint devices may prevent  
14 tipping of furniture when properly installed.”

15 A person in violation of the bill’s provisions would be subject to  
16 a \$500 civil penalty.

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

23 There is a growing problem of certain clothing storage furniture  
24 tipping over and causing serious injury or death. According to the  
25 Federal Consumer Product Safety Commission, there were 195  
26 fatalities between 2000 and 2016, and 65,200 injuries between 2006  
27 and 2016 related to furniture tipping over. These tragedies often  
28 involve young children with over 86% of reported deaths under the  
29 age of 18 and a majority under the age of 6. The bill will require  
30 retailers that sell certain new furniture to display and offer for sale  
31 compatible tip restraint devices. This will provide consumers with  
32 readily available safety products which reduce the risk of furniture  
33 tipping over. Selling tip restraint devices in tandem with certain  
34 furniture will encourage consumers to purchase and install this  
35 inexpensive yet potentially lifesaving device.