S T A T E   O F   N E W   Y O R K

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6839

I N   S E N A T E

March 18, 2014
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Introduced by Sen. ROBACH -- 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 regulating the
purchase and sale of railroad materials as scrap metal

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

 1   Section 1. Section 69-h of the general business law is renumbered
 2 section 69-i and a new section 69-h is added to read as follows:
 3   S 69-H. PROHIBITION   ON   SALE AND PURCHASE OF CERTAIN ITEMS BEARING
 4 RAILROAD MARKINGS. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGU-
 5 LATION TO THE CONTRARY, IT SHALL BE UNLAWFUL FOR SCRAP PROCESSORS TO
 6 SELL, OFFER FOR SALE, OR PURCHASE AS SCRAP, ANY MATERIALS BEARING RAIL-
 7 ROAD MARKINGS, INCLUDING RAILROAD POWER AND SIGNAL EQUIPMENT, ROAD OR
 8 RAIL CROSSING SIGNALS, RAILROAD TRACK, RAILROAD SWITCH COMPONENTS, RAIL-
 9 ROAD SPIKES, ANGLE/JOINT BAR AS USED IN THE JOINTING OF RAILROAD TRACK,
10 RAILROAD ANCHORS, AND/OR RAILROAD TIE PLATES OR BOLTS USED IN CONSTRUCT-
11 ING A RAILROAD, UNLESS SUCH MATERIALS ARE OFFERED FOR SALE BY A COMMER-
12 CIAL ENTERPRISE.
13   S 2. Subdivision 1 of section 69-i of the general business law, as
14 added by chapter 431 of the laws of 1976 and as renumbered by section
15 one of this act, is amended to read as follows:
16   1. Each violation of this article by a scrap processor shall be a
17 violation subject to a fine of not more than [two hundred dollars] FIVE
18 HUNDRED DOLLARS FOR A FIRST OFFENSE, ONE THOUSAND DOLLARS FOR A SECOND
19 OFFENSE, AND TWO THOUSAND FIVE HUNDRED DOLLARS FOR A THIRD AND EACH
20 SUBSEQUENT OFFENSE, unless such violation shall be wilful, in which
21 event it shall be a misdemeanor except, however, the scrap processor
22 shall not be liable for any violation of this article by a seller, his
23 agent, or a purported seller or agent.
24   S 3. This act shall take effect on the sixtieth day after it shall
25 have become a law.

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

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