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

2746

2013-2014 Regular Sessions

I N S E N A T E

January 23, 2013

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to the regulation of unsolicited circulars

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

Section 1. The administrative code of the city of New York is amended by adding a new section 10-121.2 to read as follows:

S 10-121.2 REGULATION OF UNSOLICITED CIRCULARS. A. IN THE INTEREST OF FURTHER ELIMINATING LITTER AND IMPROVING THE QUALITY OF LIFE FOR CITY RESIDENTS, THE COMMISSIONER SHALL ESTABLISH A CITYWIDE REGISTRY FOR RESIDENTS WHO WISH TO REFUSE THE DELIVERY OF ANY HANDBILL, CIRCULAR OR OTHER PRINTED MATTER OF A COMMERCIAL OR BUSINESS NATURE TO THEIR RESIDENCE. THE COMMISSIONER SHALL ENTER THE NAME OF THE REQUESTING RESIDENT IN SUCH REGISTRY. SUCH REQUESTS SHALL BE MADE IN WRITING TO THE COMMISSIONER, BY PHONE AT A DESIGNATED NUMBER OR NUMBERS OR BY ELECTRONIC COMMUNICATION AT A DESIGNATED ELECTRONIC MAIL ADDRESS OR WEBSITE.

B. IN ORDER TO CONTINUE DISTRIBUTION IN NEW YORK CITY, ALL DISTRIBUTORS OF SUCH HANDBILLS, CIRCULARS OR OTHER LIKE PRINTED MATTER SHALL PROVIDE THE COMMISSIONER WITH ACCURATE CONTACT INFORMATION, INCLUDING AN ADDRESS AND PHONE NUMBER. FAILURE TO PROVIDE ACCURATE CONTACT INFORMATION OR DISCONTINUE DISTRIBUTION SHALL CONSTITUTE A VIOLATION OF THE PROVISIONS OF THIS SECTION AND SHALL SUBJECT THE VIOLATOR TO FINES AS PROVIDED IN SUBDIVISION C OF THIS SECTION. IF THE DISTRIBUTOR IN VIOLATION CANNOT BE LOCATED, THE COMPANY OR COMPANIES DOING THE ADVERTISING WILL BE SUBJECT TO THE SAME FINES. EVERY SIX WEEKS THE COMMISSIONER SHALL PROVIDE DISTRIBUTORS WITH AN UPDATED LIST OF ALL RESIDENTS WHO DO NOT WANT DISTRIBUTION. DISTRIBUTORS THEN HAVE SIX WEEKS TO UPDATE THEIR LISTS AND DISCONTINUE DISTRIBUTION.

C. VIOLATORS OF THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS AND NOT MORE THAN TWO

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

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HUNDRED FIFTY DOLLARS FOR A FIRST VIOLATION. THE CIVIL PENALTY SHALL BE NOT LESS THAN TWO HUNDRED FIFTY DOLLARS AND NOT MORE THAN FIVE HUNDRED DOLLARS FOR A SECOND VIOLATION AND EACH VIOLATION THEREAFTER.

D. FOR THE PURPOSES OF THIS SECTION, "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF THE CITY OF NEW YORK DEPARTMENT OF SANITATION.

E. IF ANY CLAUSE, SENTENCE OR PROVISION OF THIS SECTION SHALL BE HELD TO BE UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, THE REMAINDER OF THIS SECTION SHALL NOT BE AFFECTED THEREBY.

S 2. The commissioner of the sanitation department of the city of New York shall promulgate rules and regulations necessary to carry out the provisions of section 10-121.2 of the administrative code of the city of New York.

S 3. This act shall take effect immediately.