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

10766

I N A S S E M B L Y

April 20, 2010

Introduced by M. of A. NOLAN -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to disclosures required for certain solicitations by container

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

Section 1. The general business law is amended by adding a new section 350-c-1 to read as follows:

S 350-C-1. SOLICITATIONS BY CONTAINER; DISCLOSURES. 1. ANY PERSON, BUSINESS, NOT-FOR-PROFIT ORGANIZATION OR OTHER ENTITY OR ENTITIES, OR AN AGENT OR AGENTS, WHETHER PAID OR NOT PAID, OF SUCH PERSON, BUSINESS, NOT-FOR-PROFIT ORGANIZATION OR OTHER ENTITY, WHO PLACES A CONTAINER IN A PUBLIC PLACE ON PUBLIC OR PRIVATE PROPERTY FOR THE SOLICITATION OF PROPERTY OF ANY KIND SHALL AFFIX TO THE CONTAINER A LABEL THAT CANNOT BE DESTROYED OR REMOVED AND THAT CLEARLY AND CONSPICUOUSLY DISPLAYS THE FOLLOWING:

(A) THE NAME OF THE PERSON, BUSINESS, NOT-FOR-PROFIT ORGANIZATION OR OTHER ENTITY WHICH OWNS THE CONTAINER AND ANY AGENT THEREOF; THE LEGAL ADDRESS AND TELEPHONE NUMBER OF SUCH PERSON, BUSINESS, NOT-FOR-PROFIT ORGANIZATION OR OTHER ENTITY AND ANY AGENT THEREOF WHERE THE OWNER OF THE CONTAINER OR ITS AGENT CAN BE REACHED DURING ORDINARY BUSINESS HOURS; AND ANY REGISTRATIONS REQUIRED BY STATE LAW OF SUCH PERSON, BUSINESS, NOT-FOR-PROFIT ORGANIZATION OR OTHER ENTITY AND ANY AGENT THEREOF. IF MORE THAN ONE PERSON, BUSINESS, NOT-FOR-PROFIT ORGANIZATION OR OTHER ENTITY OWN THE CONTAINER, ALL OF THE OWNERS' NAMES, LEGAL ADDRESSES, TELEPHONE NUMBERS AND ANY REGISTRATIONS REQUIRED BY STATE LAW OF SUCH OWNERS SHALL BE INCLUDED IN THE DISCLOSURE LABEL. IF MORE THAN ONE AGENT REPRESENTS AN OWNER OF THE CONTAINER, ALL OF THE AGENTS' NAMES, LEGAL ADDRESSES, TELEPHONE NUMBERS AND ANY REGISTRATIONS REQUIRED BY STATE LAW OF SUCH OWNERS SHALL BE INCLUDED IN THE DISCLOSURE LABEL; AND

(B) A STATEMENT ABOUT THE PURPOSE OR PURPOSES FOR THE PROPERTY COLLECTED IN THE CONTAINER AS FOLLOWS:

(I) IF ALL OF THE PROPERTY PLACED IN THE CONTAINER IS DIRECTED TO A NON-BUSINESS PURPOSE OR PURPOSES AS DESCRIBED IN PARAGRAPH (B) OF

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

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SECTION TWO HUNDRED ONE OF THE NOT-FOR-PROFIT CORPORATION LAW OR, IF THE PROPERTY IS SOLD AND ALL PROCEEDS OF SUCH SALE ARE DIRECTED TO A NON-BUSINESS PURPOSE OR PURPOSES DESCRIBED IN PARAGRAPH (B) OF SECTION TWO HUNDRED ONE OF THE NOT-FOR-PROFIT CORPORATION LAW, THE LABEL AFFIXED TO THE CONTAINER PURSUANT TO THIS SECTION SHALL STATE:

DONATED ITEMS WILL BE USED FOR CHARITABLE PURPOSES

THE VALUE OF ITEMS PLACED IN THIS CONTAINER IS TAX-DEDUCTIBLE.

OR

(II) IF ALL OF THE PROPERTY PLACED IN THE CONTAINER IS NOT DIRECTED TO A NON-BUSINESS PURPOSE OR PURPOSES DESCRIBED IN PARAGRAPH (B) OF SECTION TWO HUNDRED ONE OF THE NOT-FOR-PROFIT CORPORATION LAW, OR IF THE PROPERTY IS SOLD, AND ALL PROCEEDS OF SUCH SALE ARE NOT DIRECTED TO A NON-BUSINESS PURPOSE OR PURPOSES DESCRIBED IN PARAGRAPH (B) OF SECTION TWO HUNDRED ONE OF THE NOT-FOR-PROFIT CORPORATION LAW, THE LABEL AFFIXED TO THE CONTAINER PURSUANT TO THIS SECTION SHALL STATE:

DONATED ITEMS WILL BE USED FOR PROFIT

THE VALUE OF ITEMS PLACED IN THIS CONTAINER IS NOT TAX-DEDUCTIBLE.

2. THIS SECTION SHALL NOT APPLY TO CONTAINERS USED EXCLUSIVELY FOR THE COLLECTION OF USED PAPER, CARDBOARD, MOTOR OIL, BOTTLES, CANS OR OTHER CONTAINERS OR MATERIALS FOR RECYCLING OR WASTE DIVERSION PURPOSES.

3. ANY VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL BE DEEMED A DECEPTIVE PRACTICE WITHIN THE MEANING OF SECTION THREE HUNDRED FORTY-NINE OF THIS ARTICLE AND ANY REMEDY PROVIDED THEREIN SHALL BE AVAILABLE FOR THE ENFORCEMENT OF THIS SECTION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.