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

11335

I N A S S E M B L Y

June 3, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Hyer-Spencer) -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring a disclaimer on copy machines sold to consumers

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 392-j to read as follows:

S 392-J. SALE OF COPY MACHINES; DISCLAIMER. 1. FOR THE PURPOSES OF THIS SECTION, A "COPY MACHINE" SHALL MEAN A DEVICE USED TO DUPLICATE DOCUMENTS AND VISUAL IMAGES ON PAPER.

2. ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION OR CORPORATION WHO OR WHICH SELLS A COPY MACHINE AT RETAIL SHALL GIVE WRITTEN NOTICE TO THE PURCHASER THAT A COPY MACHINE HAS A HARD DRIVE WHICH CAN SAVE DIGITAL PRINT OF REPRODUCTIONS MADE AND THEREFORE POSES A DANGER OF IDENTITY THEFT TO CONSUMERS.

3. EVERY PROPRIETOR WHO OR WHICH CONDUCTS A BUSINESS OF SELLING COPY MACHINES AT RETAIL SHALL CONSPICUOUSLY POST A WARNING POSTER ON PREMISES ALERTING CONSUMERS THAT COPY MACHINES HAVE A HARD DRIVE WHICH CAN SAVE DIGITAL PRINT OF REPRODUCTIONS AND THEREFORE POSE A DANGER OF IDENTITY THEFT.

4. ANY COMMERCIAL ENTITY THAT VIOLATES THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED DOLLARS FOR THE FIRST VIOLATION, NOT MORE THAN TWO HUNDRED FIFTY DOLLARS FOR THE SECOND VIOLATION, AND NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION THEREAFTER. THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION MAY BE ENFORCED CONCURRENTLY BY THE DIRECTOR OF A MUNICIPAL CONSUMER AFFAIRS OFFICE, OR BY THE TOWN ATTORNEY, CITY CORPORATION COUNSEL, OR OTHER LAWFUL DESIGNEE OF A MUNICIPALITY OR LOCAL GOVERNMENT, AND ALL MONEYS COLLECTED THEREUNDER SHALL BE RETAINED BY SUCH MUNICIPALITY OR LOCAL GOVERNMENT.

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

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

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