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

2296

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. McENENY, DelMONTE -- Multi-Sponsored by -- M. of A. CLARK, COOK, GALEF, GLICK, GOTTFRIED, MAYERSOHN, PHEFFER, N. RIVERA, TOWNS, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to removal of sodium azide canisters from air bag systems of scrapped vehicles

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

Section 1. The environmental conservation law is amended by adding a new section 37-0113 to read as follows:

S 37-0113. REMOVAL OF SODIUM AZIDE CANISTERS.

1. AS USED IN THIS SECTION:

(A) "END OF LIFE VEHICLE" MEANS A VEHICLE OR VEHICLE HULK THAT IS SOLD, GIVEN OR OTHERWISE CONVEYED TO A SCRAP RECYCLING FACILITY OR VEHICLE RECYCLING FACILITY FOR THE PURPOSE OF RECYCLING;

(B) "SCRAP RECYCLING FACILITY" MEANS A FIXED LOCATION WHERE MACHINERY AND EQUIPMENT ARE UTILIZED FOR PROCESSING AND MANUFACTURING SCRAP METAL INTO PREPARED GRADES AND WHOSE PRINCIPAL PRODUCT IS SCRAP IRON, SCRAP STEEL OR NONFERROUS METALLIC SCRAP FOR SALE OR REMELTING PURPOSES; AND

(C) "VEHICLE RECYCLING FACILITY" MEANS A FACILITY ENGAGED IN THE BUSINESS OF ACQUIRING, DISMANTLING OR DESTROYING SIX OR MORE END OF LIFE VEHICLES IN A CALENDAR YEAR FOR THE PRIMARY PURPOSE OF RESALE OF THEIR PARTS.

2. (A) THE OWNER OR OPERATOR OF A SCRAP RECYCLING FACILITY OR A VEHICLE RECYCLING FACILITY SHALL REMOVE THE SODIUM AZIDE CANISTERS PLACED INSIDE THE SUPPLEMENTAL RESTRAINT SYSTEMS OF AN END OF LIFE VEHICLE THAT IS SOLD, GIVEN OR OTHERWISE CONVEYED TO THE FACILITY, PRIOR TO THE VEHICLE BEING INTENTIONALLY FLATTENED, CRUSHED, BALED OR SHREDDED.

(B) THE OWNER OR OPERATOR OF A SCRAP RECYCLING FACILITY OR VEHICLE RECYCLING FACILITY SHALL NOT SELL AN END OF LIFE VEHICLE IF THE SODIUM

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

LBD00561-01-9

AZIDE CANISTERS PLACED INSIDE THE SUPPLEMENTAL RESTRAINT SYSTEMS OF THE VEHICLE HAVE NOT BEEN REMOVED PRIOR TO THE VEHICLE BEING INTENTIONALLY FLATTENED, CRUSHED, BALED OR SHREDDED.

3. THE DEPARTMENT SHALL ADOPT RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

4. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION, OR ANY RULE OR REGULATION ADOPTED PURSUANT THERETO, SHALL BE SUBJECT TO A CIVIL PENALTY OF FIVE THOUSAND DOLLARS FOR EACH VIOLATION. EACH DAY ON WHICH A PERSON IS IN VIOLATION SHALL BE CONSIDERED A SEPARATE AND DISTINCT OFFENSE.

5. THE DEPARTMENT SHALL ESTABLISH AND IMPLEMENT A COMPREHENSIVE EDUCATION AND OUTREACH PROGRAM FOR THE GENERAL PUBLIC AND OWNERS AND OPERATORS OF SCRAP RECYCLING FACILITIES AND VEHICLE RECYCLING FACILITIES IN ORDER TO PROVIDE INFORMATION REGARDING THE PROCEDURES ESTABLISHED PURSUANT TO THIS SECTION FOR THE REMOVAL, RECOVERY AND DISPOSAL OF SODIUM AZIDE CANISTERS FROM INSIDE THE SUPPLEMENTAL RESTRAINT SYSTEMS OF END OF LIFE VEHICLES. THE EDUCATION AND OUTREACH PROGRAM SHALL FOCUS ON THE HAZARDS RELATED TO, AND THE PROPER HANDLING OF, SODIUM AZIDE; THE REQUIREMENTS AND OBLIGATIONS OF INDIVIDUALS, FACILITIES AND AGENCIES UNDER THIS SECTION; AND THE DETAILS OF THE REMOVAL AND DISPOSAL SYSTEM ESTABLISHED BY THIS SECTION.

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