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

5536

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. OAKS, ALFANO, BARCLAY, DUPREY, KOLB, WALKER -- Multi-Sponsored by -- M. of A. CROUCH, ERRIGO, FINCH, McDONOUGH, SALADINO, TOWNSEND, WEISENBERG -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the general business law, in relation to second hand video games

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 article 39-H to read as follows:

ARTICLE 39-H

SECOND HAND VIDEO GAMES

SECTION 899-AAAA. DEFINITIONS.

899-BBBB. CERTAIN INFORMATION TO BE RECORDED.

899-CCCC. VIOLATIONS AND PENALTIES.

S 899-AAAA. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE "VIDEO GAME" MEANS ANY ELECTRONIC AMUSEMENT DEVICE THAT UTILIZES A COMPUTER, MICROPROCESSOR OR SIMILAR ELECTRONIC CIRCUITRY AND ITS OWN MONITOR, OR IS DESIGNED TO BE USED WITH A TELEVISION SET OR A COMPUTER MONITOR, THAT INTERACTS WITH THE USER OF THE DEVICE.

S 899-BBBB. CERTAIN INFORMATION TO BE RECORDED. EVERY OWNER OF A COMMERCIAL ESTABLISHMENT WHICH PURCHASES AND RESELLS SECOND HAND VIDEO GAMES SHALL KEEP A BOOK IN WHICH SHALL BE FAIRLY RECORDED, AT THE TIME OF SUCH PURCHASE, AN ACCOUNT AND DESCRIPTION OF THE VIDEO GAME PURCHASED, THE AMOUNT OF MONEY PAID FOR SUCH PURCHASE, THE DATE OF THE PURCHASE, AND THE NAME AND RESIDENCE OF THE PERSON SELLING SUCH VIDEO GAME. NO SUCH PURCHASE SHALL BE MADE UNLESS THE SELLER PROVIDES SATISFACTORY PHOTOGRAPHIC IDENTIFICATION TO THE PURCHASER, AND THE FORM OF SUCH IDENTIFICATION SHALL ALSO BE RECORDED.

S 899-CCCC. VIOLATIONS AND PENALTIES. A VIOLATION OF THIS ARTICLE SHALL BE PUNISHABLE BY A CIVIL PENALTY OF FROM ONE HUNDRED DOLLARS TO

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

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FIVE HUNDRED DOLLARS FOR A FIRST OFFENSE, AND FROM FIVE HUNDRED DOLLARS TO TWENTY-FIVE HUNDRED DOLLARS FOR A SECOND OR SUBSEQUENT OFFENSE.

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