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

847

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. McDONOUGH -- read once and referred to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to prohibiting the use of non-wood bats in certain organized baseball and softball games

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

Section 1. The general obligations law is amended by adding a new article 18-B to read as follows:

ARTICLE 18-B

SAFETY IN BASEBALL AND SOFTBALL CODE

SECTION 18-301. LEGISLATIVE PURPOSE.
18-302. DEFINITIONS.
18-303. PROHIBITION ON THE USE OF NON-WOOD BATS IN CERTAIN ORGANIZED BASEBALL AND SOFTBALL GAMES.

S 18-301. LEGISLATIVE PURPOSE. THE LEGISLATURE FINDS AND DECLARES THAT:

1. THE HITTING OF BASEBALLS USING NON-WOOD BATS MAY CAUSE A BASEBALL TO REPEL OFF OF A BAT AT A VELOCITY THAT EXCEEDS THE HUMAN REACTION TIME NECESSARY TO PERCEIVE THE BALL AND PROPERLY REACT;

2. WHILE THE SAFETY HAZARD PRESENTED BY NON-WOOD BATS IS DIFFICULT TO QUANTIFY, IT IS GENERALLY AGREED THAT NON-WOOD BATS HIT THE BALL WITH GREATER FORCE THAN WOOD BATS AND PRESENT A GREATER RISK OF INJURY;

3. IT IS NECESSARY AND PROPER FOR THE STATE TO INTERVENE TO PROTECT THE HEALTH AND SAFETY OF ITS YOUNG ATHLETES, AND THAT THE BENEFITS ASSOCIATED WITH A REDUCED RISK OF DEATH OR SERIOUS INJURY OUTWEIGH THE COSTS ASSOCIATED WITH REPLACING NON-WOOD BATS WITH WOOD BATS.

S 18-302. DEFINITIONS. THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

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

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1. "MINOR" MEANS A PERSON WHO IS LESS THAN EIGHTEEN YEARS OF AGE.
2. "NON-WOOD BAT" MEANS ANY NON-WOOD BASEBALL OR SOFTBALL BAT INCLUDING, BUT NOT LIMITED TO, A BAT MADE OF METAL, TITANIUM, SCANDIUM, ALUMINUM OR ANY OTHER ALLOY COMPOUND, BUT SHALL NOT INCLUDE ANY WOOD, COMPOSITE, LAMINATED OR COMPOSITE-COATED WOOD BAT THAT SHALL BE APPROVED FOR PLAY UPON VERIFIED TEST DATA THAT THESE BATS PERFORM, WEIGH AND ARE BALANCED LIKE WOOD BATS.
3. "ORGANIZED GAME" MEANS ANY BASEBALL OR SOFTBALL GAME ORGANIZED BY OR AFFILIATED WITH: A PUBLIC OR NONPUBLIC SCHOOL; ANY NONPROFIT YOUTH SERVING ORGANIZATION, INCLUDING BUT NOT LIMITED TO, LITTLE LEAGUES, BABE RUTH LEAGUES, POLICE ATHLETIC LEAGUES, AND THE AMERICAN LEGION; A COUNTY OR MUNICIPAL RECREATION DEPARTMENT; OR THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY.

S 18-303. PROHIBITION ON THE USE OF NON-WOOD BATS IN CERTAIN ORGANIZED BASEBALL AND SOFTBALL GAMES. 1. IT SHALL BE UNLAWFUL TO USE A NON-WOOD BAT IN ANY ORGANIZED GAME IN WHICH MINORS ARE PARTICIPANTS, EXCLUDING AN ORGANIZED GAME WHERE ONE OF THE TEAMS PARTICIPATING IN THE GAME IS ORGANIZED BY OR AFFILIATED WITH A SCHOOL, NONPROFIT YOUTH ORGANIZATION, COUNTY OR MUNICIPAL RECREATION DEPARTMENT, OR GOVERNING BODY OF A COUNTY OR MUNICIPALITY OUTSIDE OF THIS STATE.

2. THE BOARD OF EDUCATION OF A SCHOOL DISTRICT, THE GOVERNING BOARD OR CHIEF SCHOOL ADMINISTRATOR OF A NONPUBLIC SCHOOL, THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY, OR THE GOVERNING BODY OF A NONPROFIT YOUTH SERVING ORGANIZATION SHALL ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION IN ANY ORGANIZED GAME IT ORGANIZES OR IS AFFILIATED WITH, OR IN WHICH ITS TEAM PARTICIPATES.

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