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

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I N A S S E M B L Y

(PREFILED)

January 6, 2010

Introduced by M. of A. ALESSI, KOON -- Multi-Sponsored by -- M. of A. BALL, WEISENBERG -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to restricting the sale of automotive refinish material

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 309 to read as follows:

S 309. SALE OF AUTOMOTIVE REFINISH MATERIAL. 1. NO SELLER, SUPPLIER OR DISTRIBUTOR OF AUTOMOTIVE REFINISH MATERIAL SHALL SELL OR OFFER FOR SALE TO ANY PROSPECTIVE PURCHASER ANY AUTOMOTIVE REFINISH MATERIAL WHICH IS LABELED FOR PROFESSIONAL USE ONLY AND WHICH CONTAINS MATERIAL, THE USE OF WHICH RESULTS IN THE GENERATION OF HAZARDOUS WASTE AS DEFINED IN APPLICABLE DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATIONS UNLESS SUCH PROSPECTIVE PURCHASER DEMONSTRATES THAT SUCH PURCHASER MEETS ALL LOCAL ORDINANCES FOR THE APPLICATION OF SUCH MATERIALS, POSSESSES A VALID NEW YORK STATE TAX IDENTIFICATION NUMBER, A FEDERAL ENVIRONMENTAL PROTECTION AGENCY NUMBER OR PROOF OF EXEMPTION FROM SAME AND IS OR IS ACTING ON BEHALF OF A REGISTERED REPAIR SHOP AS SET FORTH IN ARTICLE TWELVE-A OF THE VEHICLE AND TRAFFIC LAW.

2. ANY PERSON WHO IS FOUND, AFTER NOTICE AND HEARING, TO HAVE VIOLATED THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS.

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.

LBD01835-01-9