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

3564

2009-2010 Regular Sessions

I N S E N A T E

March 24, 2009

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the general business law, in relation to crane inspectors

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

Section 1. Subdivision 4 of section 200.55 of the penal law, as added by chapter 463 of the laws of 2008, is amended to read as follows:

4. [Provides] WRONGFULLY PROVIDES a copy of a current test used to determine competence in a licensed profession, trade, craft or other vocation.

S 2. Section 486 of the general business law, as added by chapter 463 of the laws of 2008, is amended to read as follows:

S 486. Crane inspectors. 1. [Revocation. Notwithstanding any other provision of law, where it is proven, after a hearing on the merits, that a licensed crane inspector:

a. willfully failed to inspect a crane for which he or she filed an inspection report; or

b. willfully falsified an inspection report; or

c. willfully made material misstatements or material omissions on an inspection report; or

d. willfully accepted a bribe, regardless of its effect on his or her official duties;

such crane inspector shall have his or her license to inspect cranes permanently revoked. Such person shall be prohibited from obtaining a new license and shall not be re-licensed as a crane inspector. The state of New York shall respect and reciprocate the revocation of a crane inspector's license from another jurisdiction and shall be prohibited from issuing a new license or re-licensing such a crane inspector.

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

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2.] Civil penalty and enforcement. Notwithstanding any other provision of law, where it is proven, after a hearing on the merits, that a crane inspector:

a. willfully failed to inspect a crane for which he or she filed an inspection report; or

b. willfully falsified an inspection report; or

c. willfully made material misstatements or material omissions on an inspection report; or

d. willfully accepted a bribe, regardless of its effect on his or her official duties;

such crane inspector shall be subject to a civil penalty of not less than one thousand dollars nor more than five thousand dollars for each such occurrence or transaction. The attorney general shall have [concurrent] jurisdiction to enforce the provisions of this subdivision.

[3] 2. Scope. The provisions of this section shall not be deemed to establish an exclusive remedy, and shall not be deemed to bar the prosecution of criminal charges in addition to any action brought pursuant to the provisions of this section.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after November 1, 2008.