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

4052--A

2009-2010 Regular Sessions

I N S E N A T E

April 8, 2009

Introduced by Sen. MONSERRATE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to the disposal of used mattresses

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

Section 1. Section 389-c of the general business law is renumbered 389-d and a new section 389-c is added to read as follows:

S 389-C. DISPOSAL OF USED MATTRESSES. 1. ALL USED MATTRESSES MUST BE ENCLOSED IN A PROTECTIVE CONTAINER PRIOR TO DISPOSAL OF SUCH MATTRESSES IN THIS STATE.

2. AS USED IN THIS SECTION, THE TERM "CONTAINER" SHALL MEAN ANY PROTECTIVE DEVICE, MATERIAL, OBJECT OR COVERING, WHICH FULLY ENCASES OR WRAPS A MATTRESS.

3. SHOULD A COMMERCIAL DEALER, WHOLESALER OR RETAILER OF MATTRESSES CHOOSE TO CHARGE A FEE FOR THE REMOVAL OF A MATTRESS OR MATTRESSES, SUCH FEE SHALL BE NO MORE THAN TWO PERCENT OF THE PURCHASE PRICE OF THE NEW MATTRESS.

4. FAILURE BY A COMMERCIAL DEALER, WHOLESALER OR RETAILER TO ENCLOSE A MATTRESS IN A CONTAINER PRIOR TO REMOVAL FROM A PREMISE FOR DISPOSAL SHALL BE PUNISHABLE BY A CIVIL PENALTY OF ONE HUNDRED DOLLARS PER VIOLATION. FAILURE BY A NON-COMMERCIAL ENTITY TO ENCLOSE A MATTRESS IN A CONTAINER PRIOR TO REMOVAL FROM A PREMISE FOR DISPOSAL SHALL BE PUNISHABLE BY A CIVIL PENALTY OF FIFTY DOLLARS PER VIOLATION.

S 2. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the provisions of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

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

LBD10246-03-9