

2183

2011-2012 Regular Sessions

I N   S E N A T E

January 18, 2011

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

AN ACT to amend the administrative code of the city of New York, in relation to the regulation of unsolicited circulars

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

1     Section 1. The administrative code of the city of New York is amended  
2     by adding a new section 10-121.2 to read as follows:  
3     S 10-121.2 REGULATION OF UNSOLICITED CIRCULARS. A. IN THE INTEREST OF  
4     FURTHER ELIMINATING LITTER AND IMPROVING THE QUALITY OF LIFE FOR CITY  
5     RESIDENTS, THE COMMISSIONER SHALL ESTABLISH A CITYWIDE REGISTRY FOR  
6     RESIDENTS WHO WISH TO REFUSE THE DELIVERY OF ANY HANDBILL, CIRCULAR OR  
7     OTHER PRINTED MATTER OF A COMMERCIAL OR BUSINESS NATURE TO THEIR RESI-  
8     DENCE. THE COMMISSIONER SHALL ENTER THE NAME OF THE REQUESTING RESIDENT  
9     IN SUCH REGISTRY. SUCH REQUESTS SHALL BE MADE IN WRITING TO THE COMMIS-  
10    SIONER, BY PHONE AT A DESIGNATED NUMBER OR NUMBERS OR BY ELECTRONIC  
11    COMMUNICATION AT A DESIGNATED ELECTRONIC MAIL ADDRESS OR WEBSITE.  
12    B. IN ORDER TO CONTINUE DISTRIBUTION IN NEW YORK CITY, ALL DISTRIBUTU-  
13    TORS OF SUCH HANDBILLS, CIRCULARS OR OTHER LIKE PRINTED MATTER SHALL  
14    PROVIDE THE COMMISSIONER WITH ACCURATE CONTACT INFORMATION, INCLUDING AN  
15    ADDRESS AND PHONE NUMBER. FAILURE TO PROVIDE ACCURATE CONTACT INFORMA-  
16    TION OR DISCONTINUE DISTRIBUTION SHALL CONSTITUTE A VIOLATION OF THE  
17    PROVISIONS OF THIS SECTION AND SHALL SUBJECT THE VIOLATOR TO FINES AS  
18    PROVIDED IN SUBDIVISION C OF THIS SECTION. IF THE DISTRIBUTOR IN  
19    VIOLATION CANNOT BE LOCATED, THE COMPANY OR COMPANIES DOING THE ADVER-  
20    TISING WILL BE SUBJECT TO THE SAME FINES. EVERY SIX WEEKS THE COMMIS-  
21    SIONER SHALL PROVIDE DISTRIBUTORS WITH AN UPDATED LIST OF ALL RESIDENTS  
22    WHO DO NOT WANT DISTRIBUTION. DISTRIBUTORS THEN HAVE SIX WEEKS TO  
23    UPDATE THEIR LISTS AND DISCONTINUE DISTRIBUTION.  
24    C. VIOLATORS OF THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A  
25    CIVIL PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS AND NOT MORE THAN TWO

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

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1 HUNDRED FIFTY DOLLARS FOR A FIRST VIOLATION. THE CIVIL PENALTY SHALL BE  
2 NOT LESS THAN TWO HUNDRED FIFTY DOLLARS AND NOT MORE THAN FIVE HUNDRED  
3 DOLLARS FOR A SECOND VIOLATION AND EACH VIOLATION THEREAFTER.

4 D. FOR THE PURPOSES OF THIS SECTION, "COMMISSIONER" SHALL MEAN THE  
5 COMMISSIONER OF THE CITY OF NEW YORK DEPARTMENT OF SANITATION.

6 E. IF ANY CLAUSE, SENTENCE OR PROVISION OF THIS SECTION SHALL BE HELD  
7 TO BE UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, THE REMAIN-  
8 DER OF THIS SECTION SHALL NOT BE AFFECTED THEREBY.

9 S 2. The commissioner of the sanitation department of the city of New  
10 York shall promulgate rules and regulations necessary to carry out the  
11 provisions of section 10-121.2 of the administrative code of the city of  
12 New York.

13 S 3. This act shall take effect immediately.