

S T A T E   O F   N E W   Y O R K

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4215--B

2011-2012 Regular Sessions

I N   S E N A T E

March 23, 2011

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Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to establishing safety standards for moveable soccer goals

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

1     Section 1. The general business law is amended by adding a new section  
2     399-ddd to read as follows:  
3     S 399-DDD. MOVEABLE SOCCER GOAL SAFETY. 1. DEFINITIONS RELATIVE TO  
4     SOCCER GOAL SAFETY. FOR THE PURPOSES OF THIS SECTION, THE TERM "MOVABLE  
5     SOCCER GOAL" SHALL MEAN A FREESTANDING STRUCTURE CONSISTING OF AT LEAST  
6     TWO UPRIGHT POSTS, A CROSSBAR, AND SUPPORT BARS THAT IS DESIGNED:  
7     (A) TO BE USED BY ADULTS OR CHILDREN FOR THE PURPOSES OF A SOCCER  
8     GOAL;  
9     (B) TO BE USED WITHOUT ANY OTHER FORM OF SUPPORT OR RESTRAINT OTHER  
10    THAN PEGS, STAKES, OR OTHER FORMS OF TEMPORARY ANCHORING DEVICE; AND  
11    (C) TO BE ABLE TO BE MOVED TO DIFFERENT LOCATIONS.  
12    2. THE DEPARTMENT OF STATE, IN CONSULTATION WITH THE OFFICE OF PARKS,  
13    RECREATION AND HISTORIC PRESERVATION, SHALL PROMULGATE RULES AND REGU-  
14    LATIONS ESTABLISHING SAFETY STANDARDS FOR ANCHORING, SECURING AND COUN-  
15    TER-WEIGHTING A MOVABLE SOCCER GOAL. THOSE REGULATIONS SHALL SUBSTAN-  
16    TIALY COMPLY WITH THE GUIDELINES FOR MOVABLE SOCCER GOAL SAFETY  
17    PRODUCED BY THE UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION OR ANY  
18    SUCCESSOR.  
19    3. (A) NO PERSON, FIRM, CORPORATION, OR OTHER LEGAL ENTITY WHICH  
20    ERECTS A MOVEABLE SOCCER GOAL SHALL ERECT IN THIS STATE SUCH MOVEABLE

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

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1 SOCCER GOAL UNLESS SUCH GOAL SHALL BE ERECTED IN THE MANNER REQUIRED BY  
2 THOSE RULES AND REGULATIONS PROMULGATED PURSUANT TO THIS SECTION.

3 (B) MOVEABLE SOCCER GOALS ERECTED UPON ONE, TWO AND THREE-FAMILY RESI-  
4 DENTIAL REAL PROPERTY SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS  
5 SECTION.

6 4. WHENEVER THE ATTORNEY GENERAL SHALL BELIEVE FROM EVIDENCE SATISFAC-  
7 TORY TO HIM OR HER THAT ANY PERSON, FIRM, CORPORATION OR ASSOCIATION OR  
8 AGENT OR EMPLOYEE THEREOF HAS VIOLATED ANY PROVISION OF THIS SECTION, HE  
9 OR SHE MAY BRING AN ACTION IN THE SUPREME COURT OF THE STATE OF NEW YORK  
10 FOR A JUDGMENT ENJOINING THE CONTINUANCE OF SUCH VIOLATION AND FOR A  
11 CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH VIOLATION,  
12 EXCEPT THAT THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN TEN  
13 THOUSAND DOLLARS IF THE VIOLATION IS KNOWING AND WILLFUL. IF IT SHALL  
14 APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE DEFENDANT  
15 HAS VIOLATED ANY PROVISION OF THIS SECTION, NO PROOF SHALL BE REQUIRED  
16 THAT ANY PERSON HAS BEEN INJURED THEREBY NOR THAT THE DEFENDANT KNOWING-  
17 LY OR INTENTIONALLY VIOLATED SUCH PROVISION. IN SUCH ACTION PRELIMINARY  
18 RELIEF MAY BE GRANTED UNDER ARTICLE SIXTY-THREE OF THE CIVIL PRACTICE  
19 LAW AND RULES. BEFORE ANY VIOLATION OF THIS SECTION IS SOUGHT TO BE  
20 ENJOINED, THE ATTORNEY GENERAL SHALL BE REQUIRED TO GIVE THE PERSON  
21 AGAINST WHOM SUCH PROCEEDING IS CONTEMPLATED NOTICE BY CERTIFIED MAIL  
22 AND AN OPPORTUNITY TO SHOW IN WRITING WITHIN FIVE BUSINESS DAYS AFTER  
23 RECEIPT OF NOTICE WHY PROCEEDINGS SHOULD NOT BE INSTITUTED AGAINST SUCH  
24 PERSON, UNLESS THE ATTORNEY GENERAL SHALL FIND, IN ANY CASE IN WHICH HE  
25 OR SHE SEEKS PRELIMINARY RELIEF, THAT TO GIVE SUCH NOTICE AND OPPORTU-  
26 NITY IS NOT IN THE PUBLIC INTEREST.

27 S 2. This act shall take effect on the one hundred eightieth day after  
28 it shall have become a law; provided, however, that effective immediate-  
29 ly, the addition, amendment and/or repeal of any rule or regulation  
30 necessary for the implementation of this act on its effective date are  
31 authorized and directed to be made and completed on or before such  
32 effective date.