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

8591

2011-2012 Regular Sessions

I N A S S E M B L Y

September 21, 2011

Introduced by M. of A. RABBITT -- read once and referred to the Committee on Codes

AN ACT to amend the penal law and the agriculture and markets law, in relation to criminalizing unlawful conduct of a farm products dealer in certain circumstances

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

Section 1. The penal law is amended by adding a new section 190.87 to read as follows:

S 190.87 UNLAWFUL CONDUCT; FARM PRODUCTS DEALER.

A PERSON IS GUILTY OF UNLAWFUL CONDUCT WHEN HE OR SHE:

1. ACTS AS A FARM PRODUCTS DEALER AS DEFINED BY SECTION TWO HUNDRED FORTY-FIVE OF THE AGRICULTURE AND MARKETS LAW AND IS NOT LICENSED PURSUANT TO THE PROVISIONS OF ARTICLE TWENTY OF SUCH LAW; OR

2. IS A LICENSED FARM PRODUCTS DEALER THAT:

A. MAKES ANY FRAUDULENT CHARGE IN RESPECT TO ANY FARM PRODUCT;

B. REJECTS OR FAILS TO ACCOUNT AND MAKE PROMPT PAYMENT FOR, WITHOUT REASONABLE CAUSE, ANY FARM PRODUCTS, BOUGHT OR CONTRACTED TO BE BOUGHT OR NEGOTIATED TO BE BOUGHT BY SUCH DEALER;

C. DISCARDS, DUMPS OR DESTROYS, WITHOUT REASONABLE CAUSE, ANY FARM PRODUCTS RECEIVED BY HIM OR HER;

D. MAKES ANY FALSE OR MISLEADING STATEMENT, OR OTHER MISREPRESENTATION CONCERNING THE CONDITION, QUALITY, GRADE, QUANTITY OR DISPOSITION OF OR CONDITION OF THE MARKET FOR ANY FARM PRODUCTS RECEIVED BY OR BOUGHT OR CONTRACTED TO BE BOUGHT BY SUCH DEALER, OR THE PURCHASE OR SALE OF WHICH IS NEGOTIATED BY SUCH DEALER; OR

E. DIRECTLY OR INDIRECTLY PURCHASES FOR HIS OR HER OWN ACCOUNT FARM PRODUCTS RECEIVED BY HIM OR HER FOR SALE ON COMMISSION, WITHOUT PRIOR AUTHORITY FROM OR WITHOUT NOTIFYING THE CONSIGNOR THEREOF.

UNLAWFUL CONDUCT IS A CLASS E FELONY.

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

LBD13419-01-1

S 2. Section 246 of the agriculture and markets law is amended by adding a new subdivision 7 to read as follows:

7. ANY PERSON WHO VIOLATES THIS SECTION SHALL BE GUILTY OF A CLASS E FELONY.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.