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

5685

2013-2014 Regular Sessions

I N A S S E M B L Y

March 5, 2013

Introduced by M. of A. REILICH, HAWLEY, BUTLER, McKEVITT, GRAF, NOJAY -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law and the tax law, in relation to the sale of junk metal

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

Section 1. Section 62 of the general business law, as amended by chapter 302 of the laws of 2007, is amended to read as follows:

S 62. Statement required from persons selling certain property. On purchasing any pig or pigs of metal, bronze or brass castings or parts thereof, sprues or gates or parts thereof, copper wire or brass car journals, or metal beer kegs, such junk dealer shall cause to be subscribed by the person from whom purchased a [statement as to] WRITTEN MANIFEST DETAILING A DESCRIPTION OF THE GOODS, when[,] AND where [and from whom] he or she obtained such property, [also] THE NAME OF THE PERSON WHO SALVAGED THE PROPERTY AND THE NAME OF THE PERSON WHO AUTHORIZED THE SALVAGE, his or her identity as verified by a government issued identification card, age, residence by city, village or town, and the street and number thereof, if any, the driver's license number or information from a government issued identification card, if any, of such person, and otherwise such description as will reasonably locate the same, his or her occupation and name of his or her employer and place of employment or business, which statement the junk dealer shall forthwith file in the office of the chief of police of the city or village in which the purchase was made, if made in a city or incorporated village, and otherwise in the office of the sheriff of the county in which made. The junk metal dealer shall also make and retain a copy of the government issued photographic identification card used to verify the identity of the person from whom the junk metal was purchased and shall retain this copy in a separate book or register for two years from the date of purchase of the junk metal and include an additional copy of this iden-

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

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tification with the information required to be transmitted to the chief of police or sheriff pursuant to this section.

S 2. The general business law is amended by adding a new section 63-b to read as follows:

S 63-B. CASH SALES PROHIBITED. A JUNK DEALER SHALL NOT ENTER INTO ANY CASH TRANSACTION FOR THE PURCHASE OF ANY JUNK METAL AS DEFINED IN SUBDIVISION ONE OF SECTION SIXTY OF THIS ARTICLE. PAYMENT BY A JUNK DEALER FOR THE PURCHASE OF JUNK METAL SHALL BE MADE BY CHECK ISSUED TO THE SELLER AND PAYABLE TO THE SELLER. EACH CHECK FOR PAYMENT SHALL BE MAILED BY THE JUNK DEALER NO SOONER THAN ONE DAY AFTER THE PURCHASE TRANSACTION DIRECTLY TO THE STREET ADDRESS OF THE SELLER. PAYMENT SHALL NOT BE MAILED TO A POST OFFICE BOX.

S 3. Section 1105 of the tax law is amended by adding a new subdivision (g) to read as follows:

(G) THE RECEIPTS FROM EVERY SALE OF JUNK METAL AS DEFINED BY SUBDIVISION ONE OF SECTION SIXTY OF THE GENERAL BUSINESS LAW.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.