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

9453

I N A S S E M B L Y

April 30, 2014

Introduced by M. of A. LUPARDO -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to regulating the purchase and sale of railroad materials as scrap metal

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

Section 1. Section 69-h of the general business law is renumbered section 69-i and a new section 69-h is added to read as follows:

S 69-H. PROHIBITION ON SALE AND PURCHASE OF CERTAIN ITEMS BEARING RAILROAD MARKINGS. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, IT SHALL BE UNLAWFUL FOR SCRAP PROCESSORS TO SELL, OFFER FOR SALE, OR PURCHASE AS SCRAP, ANY MATERIALS BEARING RAILROAD MARKINGS, INCLUDING RAILROAD POWER AND SIGNAL EQUIPMENT, ROAD OR RAIL CROSSING SIGNALS, RAILROAD TRACK, RAILROAD SWITCH COMPONENTS, RAILROAD SPIKES, ANGLE/JOINT BAR AS USED IN THE JOINTING OF RAILROAD TRACK, RAILROAD ANCHORS, AND/OR RAILROAD TIE PLATES OR BOLTS USED IN CONSTRUCTING A RAILROAD, UNLESS SUCH MATERIALS ARE OFFERED FOR SALE BY A COMMERCIAL ENTERPRISE.

S 2. Subdivision 1 of section 69-i of the general business law, as added by chapter 431 of the laws of 1976 and as renumbered by section one of this act, is amended to read as follows:

1. Each violation of this article by a scrap processor shall be a violation subject to a fine of not more than [two hundred dollars] FIVE HUNDRED DOLLARS FOR A FIRST OFFENSE, ONE THOUSAND DOLLARS FOR A SECOND OFFENSE, AND TWO THOUSAND FIVE HUNDRED DOLLARS FOR A THIRD AND EACH SUBSEQUENT OFFENSE, unless such violation shall be wilful, in which event it shall be a misdemeanor except, however, the scrap processor shall not be liable for any violation of this article by a seller, his agent, or a purported seller or agent.

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

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

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