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

5184--A

2013-2014 Regular Sessions

I N S E N A T E

May 14, 2013

Introduced by Sen. LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation 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 environmental conservation law, in relation to the licensure of collectors of yellow grease

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

Section 1. Article 37 of the environmental conservation law is amended by adding a new title 9 to read as follows:

TITLE IX

YELLOW GREASE COLLECTION

SECTION 37-0901. DEFINITIONS.
37-0902. LICENSING OF COLLECTORS OF YELLOW GREASE.
37-0903. UNLAWFUL ACTS AND PENALTIES.

S 37-0901. DEFINITIONS.

AS USED IN THIS TITLE, UNLESS THE CONTEXT REQUIRES OTHERWISE:

1. "YELLOW GREASE" MEANS ANIMAL FATS OR VEGETABLE OILS THAT HAVE BEEN USED, AND WILL NOT BE REUSED, FOR COOKING IN A FOOD ESTABLISHMENT. "YELLOW GREASE" DOES NOT INCLUDE GREASE SEPTAGE.

2. "COLLECTOR OF YELLOW GREASE" MEANS ANY PERSON WHO COLLECTS YELLOW GREASE.

S 37-0902. LICENSING OF COLLECTORS OF YELLOW GREASE.

1. ANY COLLECTOR OF YELLOW GREASE SHALL SUBMIT AN APPLICATION FOR LICENSURE TO THE COMMISSIONER NOT LESS THAN THIRTY DAYS BEFORE CONDUCTING ANY SUCH COLLECTION OR TRANSPORTATION. LICENSURE SHALL BE FOR ONE YEAR. THE APPLICATION SHALL BE SUBMITTED IN ACCORDANCE WITH A PROCEDURE ESTABLISHED BY THE COMMISSIONER AND SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

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

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(A) THE APPLICANT'S NAME AND ADDRESS.
(B) A DESCRIPTION OF THE OPERATIONS TO BE PERFORMED BY THE APPLICANT.
(C) THE MAKE, MODEL, LICENSE NUMBER, AND VEHICLE IDENTIFICATION NUMBER OF ANY VEHICLE TO BE USED FOR THE TRANSPORTATION OF YELLOW GREASE.
(D) A NONREFUNDABLE APPLICATION FEE OF ONE HUNDRED DOLLARS.
(E) PROOF OF PERSONAL INJURY AND PROPERTY DAMAGE LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN ONE MILLION DOLLARS.
2. THE COMMISSIONER SHALL ISSUE EACH LICENSEE A UNIQUE LICENSE NUMBER AND A CERTIFICATE. THE LICENSE SHALL BE RENEWABLE ANNUALLY JANUARY FIRST, WHEN ACCOMPANIED BY A ONE HUNDRED DOLLAR LICENSING RENEWAL FEE AND CERTIFICATION OF COMPLIANCE WITH THE PROVISIONS OF THIS TITLE.
3. EVERY LICENSEE SHALL RECORD, MAINTAIN FOR TWO YEARS, AND MAKE AVAILABLE FOR INSPECTION BY THE DEPARTMENT ALL OF THE FOLLOWING INFORMATION:
(A) THE NAME AND ADDRESS OF EACH LOCATION OR PERSON FROM WHICH THE REGISTRANT OBTAINED THE YELLOW GREASE FOR TRANSPORTATION.
(B) THE QUANTITY OF MATERIAL RECEIVED FROM EACH LOCATION OR PERSON.
(C) THE DATE ON WHICH THE YELLOW GREASE WAS OBTAINED FROM EACH LOCATION OR PERSON.
(D) THE YELLOW GREASE OPERATION OR OTHER PROCESSOR SHALL MAINTAIN RECORDS INDICATING THE NAME AND ADDRESS OF EACH LOCATION TO WHOM THE YELLOW GREASE WAS DELIVERED.
4. EVERY LICENSEE WHO SELLS THE YELLOW GREASE COLLECTED SHALL PROVIDE THE PURCHASER WITH A STATEMENT OF OWNERSHIP SETTING FORTH THE LAWFUL OWNERSHIP OF THE YELLOW GREASE SOLD TO SUCH PURCHASER.
5. NO PERSON REQUIRED TO BE LICENSED UNDER THIS TITLE SHALL COLLECT OR TRANSPORT YELLOW GREASE WITHOUT ALL OF THE FOLLOWING:
(A) HAVING IN HIS OR HER POSSESSION A COPY OF THE LICENSE REQUIRED BY THIS TITLE OR OTHER PROOF THAT THE PERSON IS IN COMPLIANCE WITH THE LICENSURE REQUIREMENT OF THIS TITLE.
(B) CONSPICUOUSLY DISPLAYING THE LICENSEE'S NAME AND THE LICENSE NUMBER IN LETTERS NOT LESS THAN THREE INCHES HIGH ON ANY VEHICLE USED FOR THE TRANSPORTATION OF YELLOW GREASE.
(C) PROVIDING THE PURCHASER WITH A STATEMENT OF OWNERSHIP SETTING FORTH THE LAWFUL OWNERSHIP OF THE YELLOW GREASE SOLD TO SUCH PURCHASER.
S 37-0903. UNLAWFUL ACTS AND PENALTIES.
1. IT SHALL BE A VIOLATION OF THIS TITLE TO DO ANY OF THE FOLLOWING:
(A) SELL OR OFFER FOR SALE TO ANY PERSON UNLICENSED UNDER THIS TITLE ANY YELLOW GREASE, KNOWING SUCH UNLICENSED PERSON WOULD TRANSPORT SUCH YELLOW GREASE IN VIOLATION OF THIS TITLE.
(B) STEAL, MISAPPROPRIATE, INTENTIONALLY CONTAMINATE, OR DAMAGE ANY YELLOW GREASE CONTAINER, PART THEREOF, OR GREASE THEREIN.
(C) TAKE OR POSSESS YELLOW GREASE FROM A COLLECTOR THAT IS NOT LICENSED UNDER THIS TITLE UNLESS OTHERWISE ALLOWED UNDER THIS CHAPTER, OR KNOWINGLY TAKE POSSESSION OF YELLOW GREASE THAT HAS BEEN STOLEN.
(D) TAKE AND CARRY AWAY, OR AID IN TAKING OR CARRYING AWAY, ANY YELLOW GREASE CONTAINER OR THE YELLOW GREASE CONTAINED THEREIN, WHICH CONTAINER BEARS A NOTICE THAT UNAUTHORIZED REMOVAL IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE OWNER OF THE CONTAINER.
(E) PLACE A LABEL ON A YELLOW GREASE CONTAINER KNOWING THAT IT IS OWNED BY ANOTHER PERSON IN ORDER TO CLAIM OWNERSHIP OF THE CONTAINER.
2. THIS SECTION SHALL NOT APPLY TO A FARMER WHO COLLECTS YELLOW GREASE FOR A USE THAT IS RELATED TO HIS OR HER FARM.
3. A CONTAINER IN WHICH YELLOW GREASE IS DEPOSITED THAT BEARS A NAME ON THE CONTAINER SHALL BE PRESUMED TO BE OWNED BY THE PERSON NAMED ON THE CONTAINER.

4. ANY PERSON WHO VIOLATES SUBDIVISION ONE OF THIS SECTION SHALL BE PENALIZED AS FOLLOWS:

(A) IF THE VALUE OF THE YELLOW GREASE CONTAINER, OR THE CONTAINER AND THE YELLOW GREASE CONTAINED THEREIN, IS ONE THOUSAND DOLLARS OR LESS, IT SHALL BE A CLASS A MISDEMEANOR.

(B) IF THE VALUE OF THE YELLOW GREASE CONTAINER, OR THE CONTAINER AND THE YELLOW GREASE CONTAINED THEREIN, IS MORE THAN ONE THOUSAND DOLLARS, IT SHALL BE A CLASS E FELONY.

(C) A VIOLATION OF THIS SECTION SHALL BE A CLASS E FELONY WHEN COMMITTED BY A PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF ANY VIOLATION OF THIS SECTION IN THE PRECEDING FIVE YEARS.

S 2. This act shall take effect January 1, 2015 and shall apply to offenses committed on or after such effective date.