

143

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. KAVANAGH, STEVENSON, SCHIMEL -- read once and referred to the Committee on Local Governments

AN ACT to amend the general business law, in relation to contracts for the collection and transportation of commercial waste

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-ff to read as follows:
3 S 399-FF. CONTRACTS FOR THE COLLECTION AND TRANSPORTATION OF COMMER-
4 CIAL WASTE. 1. DEFINITIONS.
5 A. "COMMERCIAL WASTE" SHALL MEAN WASTE GENERATED BY STORES, OFFICES,
6 INSTITUTIONS, RESTAURANTS, WAREHOUSES, AND NONMANUFACTURING ACTIVITIES
7 AT INDUSTRIAL FACILITIES.
8 B. "PERSON" SHALL MEAN ANY NATURAL PERSON, FIRM, ORGANIZATION, PART-
9 NERSHIP, ASSOCIATION OR CORPORATION.
10 C. "SOLID WASTE" SHALL HAVE THE SAME MEANING AS DEFINED IN SECTION
11 27-0701 OF THE ENVIRONMENTAL CONSERVATION LAW.
12 2. EVERY WRITTEN CONTRACT FOR THE COLLECTION AND TRANSPORTATION OF
13 COMMERCIAL WASTE FROM A PLACE AT WHICH SUCH WASTE IS GENERATED, SHALL
14 SPECIFY THE RECYCLABLE, REUSABLE OR OTHER COMPONENTS OF SUCH WASTE THAT
15 ARE REQUIRED TO BE SEPARATED IN ACCORDANCE WITH A LOCAL LAW OR ORDINANCE
16 ADOPTED PURSUANT TO SECTION ONE HUNDRED TWENTY-AA OF THE GENERAL MUNICI-
17 PAL LAW AND ANY PENALTIES IMPOSED BY SUCH LAW OR ORDINANCE FOR THE FAIL-
18 URE TO SEPARATE SUCH WASTE.
19 3. A KNOWING VIOLATION OF THIS SECTION SHALL BE PUNISHABLE BY A CIVIL
20 FINE NOT TO EXCEED ONE THOUSAND DOLLARS.
21 S 2. This act shall take effect on the thirtieth day after it shall
22 have become a law and shall apply to all contracts executed on or after
23 such date.

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

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