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

5308

2013-2014 Regular Sessions

I N A S S E M B L Y

February 22, 2013

Introduced by M. of A. OTIS -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to establishing safety standards for moveable soccer goals

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

Section 1. The general business law is amended by adding a new section 398-e to read as follows:

S 398-E. MOVEABLE SOCCER GOAL SAFETY. 1. DEFINITIONS RELATIVE TO SOCCER GOAL SAFETY. FOR THE PURPOSES OF THIS SECTION, THE TERM "MOVABLE SOCCER GOAL" SHALL MEAN A FREESTANDING STRUCTURE CONSISTING OF AT LEAST TWO UPRIGHT POSTS, A CROSSBAR, AND SUPPORT BARS THAT IS DESIGNED:

(A) TO BE USED BY ADULTS OR CHILDREN FOR THE PURPOSES OF A SOCCER GOAL;

(B) TO BE USED WITHOUT ANY OTHER FORM OF SUPPORT OR RESTRAINT OTHER THAN PEGS, STAKES, OR OTHER FORMS OF TEMPORARY ANCHORING DEVICE; AND

(C) TO BE ABLE TO BE MOVED TO DIFFERENT LOCATIONS.

2. THE DEPARTMENT OF STATE, IN CONSULTATION WITH THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, SHALL PROMULGATE RULES AND REGULATIONS ESTABLISHING SAFETY STANDARDS FOR ANCHORING, SECURING AND COUNTER-WEIGHTING A MOVABLE SOCCER GOAL. THOSE REGULATIONS SHALL SUBSTANTIALLY COMPLY WITH THE GUIDELINES FOR MOVABLE SOCCER GOAL SAFETY PRODUCED BY THE UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION OR ANY SUCCESSOR.

3. (A) NO PERSON, FIRM, CORPORATION, OR OTHER LEGAL ENTITY WHICH ERECTS A MOVEABLE SOCCER GOAL SHALL ERECT IN THIS STATE SUCH MOVEABLE SOCCER GOAL UNLESS SUCH GOAL SHALL BE ERECTED IN THE MANNER REQUIRED BY THOSE RULES AND REGULATIONS PROMULGATED PURSUANT TO THIS SECTION.

(B) MOVEABLE SOCCER GOALS ERECTED UPON ONE, TWO AND THREE-FAMILY RESIDENTIAL REAL PROPERTY SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION.

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

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4. WHENEVER THE ATTORNEY GENERAL SHALL BELIEVE FROM EVIDENCE SATISFACTORY TO HIM OR HER THAT ANY PERSON, FIRM, CORPORATION OR ASSOCIATION OR AGENT OR EMPLOYEE THEREOF HAS VIOLATED ANY PROVISION OF THIS SECTION, HE OR SHE MAY BRING AN ACTION IN THE SUPREME COURT OF THE STATE OF NEW YORK FOR A JUDGMENT ENJOINING THE CONTINUANCE OF SUCH VIOLATION AND FOR A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH VIOLATION, EXCEPT THAT THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN TEN THOUSAND DOLLARS IF THE VIOLATION IS KNOWING AND WILLFUL. IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE DEFENDANT HAS VIOLATED ANY PROVISION OF THIS SECTION, NO PROOF SHALL BE REQUIRED THAT ANY PERSON HAS BEEN INJURED THEREBY NOR THAT THE DEFENDANT KNOWINGLY OR INTENTIONALLY VIOLATED SUCH PROVISION. IN SUCH ACTION PRELIMINARY RELIEF MAY BE GRANTED UNDER ARTICLE SIXTY-THREE OF THE CIVIL PRACTICE LAW AND RULES. BEFORE ANY VIOLATION OF THIS SECTION IS SOUGHT TO BE ENJOINED, THE ATTORNEY GENERAL SHALL BE REQUIRED TO GIVE THE PERSON AGAINST WHOM SUCH PROCEEDING IS CONTEMPLATED NOTICE BY CERTIFIED MAIL AND AN OPPORTUNITY TO SHOW IN WRITING WITHIN FIVE BUSINESS DAYS AFTER RECEIPT OF NOTICE WHY PROCEEDINGS SHOULD NOT BE INSTITUTED AGAINST SUCH PERSON, UNLESS THE ATTORNEY GENERAL SHALL FIND, IN ANY CASE IN WHICH HE OR SHE SEEKS PRELIMINARY RELIEF, THAT TO GIVE SUCH NOTICE AND OPPORTUNITY IS NOT IN THE PUBLIC INTEREST.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.