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

5308--C

Cal. No. 240

2013-2014 Regular Sessions

I N A S S E M B L Y

February 22, 2013

Introduced by M. of A. OTIS, SANTABARBARA, MONTESANO -- read once and referred to the Committee on Consumer Affairs and Protection -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law, in relation to safety requirements 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 399-j to read as follows:

S 399-J. SAFETY STANDARDS; MOVEABLE SOCCER GOALS. 1. 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 MOVEABLE SOCCER GOAL. SUCH REGULATIONS SHALL SUBSTANTIALLY COMPLY WITH THE GUIDELINES FOR MOVEABLE SOCCER GOAL SAFETY PRODUCED BY THE UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION OR ANY SUCCESSOR COMMISSION OR AGENCY. FOR THE PURPOSES OF THIS SECTION, THE TERM "MOVEABLE 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.

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

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2. 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; PROVIDED HOWEVER, THAT MOVEABLE SOCCER GOALS ERECTED UPON ONE, TWO AND THREE-FAMILY RESIDENTIAL REAL PROPERTY SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION.

3. 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 FIVE HUNDRED DOLLARS FOR EACH VIOLATION. IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE DEFENDANT HAS KNOWINGLY 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.