

4713

2013-2014 Regular Sessions

I N S E N A T E

April 19, 2013

Introduced by Sen. LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:

1 Section 1. The general business law is amended by adding a new section
2 398-e to read as follows:
3 S 398-E. MOVEABLE SOCCER GOAL SAFETY. 1. DEFINITIONS RELATIVE TO
4 SOCCER GOAL SAFETY. FOR THE PURPOSES OF THIS SECTION, THE TERM "MOVABLE
5 SOCCER GOAL" SHALL MEAN A FREESTANDING STRUCTURE CONSISTING OF AT LEAST
6 TWO UPRIGHT POSTS, A CROSSBAR, AND SUPPORT BARS THAT IS DESIGNED:
7 (A) TO BE USED BY ADULTS OR CHILDREN FOR THE PURPOSES OF A SOCCER
8 GOAL;
9 (B) TO BE USED WITHOUT ANY OTHER FORM OF SUPPORT OR RESTRAINT OTHER
10 THAN PEGS, STAKES, OR OTHER FORMS OF TEMPORARY ANCHORING DEVICE; AND
11 (C) TO BE ABLE TO BE MOVED TO DIFFERENT LOCATIONS.
12 2. THE DEPARTMENT OF STATE, IN CONSULTATION WITH THE OFFICE OF PARKS,
13 RECREATION AND HISTORIC PRESERVATION, SHALL PROMULGATE RULES AND REGU-
14 LATIONS ESTABLISHING SAFETY STANDARDS FOR ANCHORING, SECURING AND COUN-
15 TER-WEIGHTING A MOVABLE SOCCER GOAL. THOSE REGULATIONS SHALL SUBSTAN-
16 Tially COMPLY WITH THE GUIDELINES FOR MOVABLE SOCCER GOAL SAFETY
17 PRODUCED BY THE UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION OR ANY
18 SUCCESSOR.
19 3. (A) NO PERSON, FIRM, CORPORATION, OR OTHER LEGAL ENTITY WHICH
20 ERECTS A MOVABLE SOCCER GOAL SHALL ERECT IN THIS STATE SUCH MOVABLE
21 SOCCER GOAL UNLESS SUCH GOAL SHALL BE ERECTED IN THE MANNER REQUIRED BY
22 THOSE RULES AND REGULATIONS PROMULGATED PURSUANT TO THIS SECTION.
23 (B) MOVEABLE SOCCER GOALS ERECTED UPON ONE, TWO AND THREE-FAMILY RESI-
24 DENTIAL REAL PROPERTY SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS
25 SECTION.

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

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

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