

4713--B

2013-2014 Regular Sessions

I N   S E N A T E

April 19, 2013

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Introduced by Sen. LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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    TIALY 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 MOVEABLE SOCCER GOAL SHALL ERECT IN THIS STATE SUCH MOVEABLE  
21    SOCCER GOAL UNLESS SUCH GOAL SHALL BE ERECTED IN THE MANNER REQUIRED BY  
22    THOSE RULES AND REGULATIONS PROMULGATED PURSUANT TO THIS SECTION.

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

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

4 4. WHENEVER THE ATTORNEY GENERAL SHALL BELIEVE FROM EVIDENCE SATISFAC-  
5 TORY TO HIM OR HER THAT ANY PERSON, FIRM, CORPORATION OR ASSOCIATION OR  
6 AGENT OR EMPLOYEE THEREOF HAS KNOWINGLY VIOLATED ANY PROVISION OF THIS  
7 SECTION, HE OR SHE MAY BRING AN ACTION IN THE SUPREME COURT OF THE STATE  
8 OF NEW YORK FOR A JUDGMENT ENJOINING THE CONTINUANCE OF SUCH VIOLATION  
9 AND FOR A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH  
10 VIOLATION. IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR  
11 JUSTICE THAT THE DEFENDANT HAS KNOWINGLY VIOLATED ANY PROVISION OF THIS  
12 SECTION, NO PROOF SHALL BE REQUIRED THAT ANY PERSON HAS BEEN INJURED  
13 THEREBY. IN SUCH ACTION PRELIMINARY RELIEF MAY BE GRANTED UNDER ARTICLE  
14 SIXTY-THREE OF THE CIVIL PRACTICE LAW AND RULES. BEFORE ANY VIOLATION OF  
15 THIS SECTION IS SOUGHT TO BE ENJOINED, THE ATTORNEY GENERAL SHALL BE  
16 REQUIRED TO GIVE THE PERSON AGAINST WHOM SUCH PROCEEDING IS CONTEMPLATED  
17 NOTICE BY CERTIFIED MAIL AND AN OPPORTUNITY TO SHOW IN WRITING WITHIN  
18 FIVE BUSINESS DAYS AFTER RECEIPT OF NOTICE WHY PROCEEDINGS SHOULD NOT BE  
19 INSTITUTED AGAINST SUCH PERSON, UNLESS THE ATTORNEY GENERAL SHALL FIND,  
20 IN ANY CASE IN WHICH HE OR SHE SEEKS PRELIMINARY RELIEF, THAT TO GIVE  
21 SUCH NOTICE AND OPPORTUNITY 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.