

7613--A

2015-2016 Regular Sessions

I N A S S E M B L Y

May 20, 2015

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to the sale of governmental signage or other metal property

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

1 Section 1. Section 60 of the general business law is amended by adding
2 two new subdivisions 4 and 5 to read as follows:
3 4. "GOVERNMENT ISSUED IDENTIFICATION" MEANS ANY CURRENT AND VALID
4 OFFICIAL FORM OF IDENTIFICATION ISSUED BY THE GOVERNMENT OF THE UNITED
5 STATES OF AMERICA, A STATE, TERRITORY, PROTECTORATE, OR DEPENDENCY OF
6 THE UNITED STATES OF AMERICA, A COUNTY, MUNICIPALITY OR SUBDIVISION
7 THEREOF, ANY PUBLIC AGENCY OR DEPARTMENT THEREOF, OR ANY PUBLIC EMPLOY-
8 ER, WHICH REQUIRES AND BEARS THE SIGNATURE OF THE PERSON TO WHOM IT IS
9 ISSUED; PROVIDED, HOWEVER, THAT A SOCIAL SECURITY ACCOUNT NUMBER CARD
10 SHALL NOT BE CONSIDERED TO BE GOVERNMENT ISSUED IDENTIFICATION FOR THE
11 PURPOSES OF THIS ARTICLE.
12 5. "GOVERNMENT ENTITY SIGNS" MEANS TRAFFIC CONTROL DEVICES OR SIGNS
13 USED WITHIN THE STATE ON STREETS, HIGHWAYS, BIKEWAYS, AND PRIVATE ROADS
14 OPEN TO PUBLIC TRAVEL AS DESCRIBED IN THE NATIONAL MANUAL ON UNIFORM
15 TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS (MUTCD) AND/OR 17 NYCRR
16 CHAPTER V.
17 S 2. The general business law is amended by adding a new section 63-b
18 to read as follows:
19 S 63-B. PROHIBITION ON SALE OF GOVERNMENT ENTITY SIGNS OR HISTORICAL
20 MARKERS. 1. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO
21 THE CONTRARY, IT SHALL BE UNLAWFUL TO SELL, OFFER FOR SALE, OR PURCHASE
22 AS SCRAP, ANY OF THE FOLLOWING ITEMS UNLESS SUCH ITEMS ARE OFFERED FOR
23 SALE, SOLD OR PURCHASED AS SCRAP BY A DULY AUTHORIZED EMPLOYEE OR AGENT
24 OF A GOVERNMENTAL ENTITY ACTING IN HIS OR HER OFFICIAL CAPACITY:

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

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- 1 (A) STREET SIGNS;
2 (B) HISTORICAL MARKERS; OR
3 (C) GOVERNMENT ENTITY SIGNS.

4 2. A DULY AUTHORIZED EMPLOYEE OR AGENT OF A GOVERNMENTAL ENTITY SELL-
5 ING, OFFERING FOR SALE OR PURCHASING AS SCRAP ANY OF THE ITEMS DESCRIBED
6 IN SUBDIVISION ONE OF THIS SECTION SHALL PROVIDE WRITTEN EVIDENCE OF
7 AUTHORIZATION TO DO SO PRIOR TO ENTERING INTO ANY TRANSACTION. EVIDENCE
8 OF AUTHORIZATION SHALL BE IN THE FORM OF A STATEMENT WHICH COMPLIES WITH
9 THE FOLLOWING REQUIREMENTS:

10 (A) THE STATEMENT SHALL BE WITNESSED BY THE CLERK OR SECRETARY OF THE
11 MUNICIPALITY OR GOVERNMENT ENTITY AUTHORIZING THE SALE OR PURCHASE AND
12 SHALL HAVE THE RAISED SEAL OF THE GOVERNMENT ENTITY AFFIXED TO SUCH
13 AUTHORIZATION;

14 (B) THE STATEMENT SHALL INCLUDE AN ITEMIZED LIST OF THE MATERIALS TO
15 BE SOLD, OFFERED FOR SALE OR PURCHASED; AND

16 (C) THE STATEMENT SHALL SPECIFY THE NAME OF THE AUTHORIZED EMPLOYEE OR
17 AGENT OF THE GOVERNMENT ENTITY.

18 3. ANY JUNK DEALER PURCHASING ANY ITEM SPECIFIED IN SUBDIVISION ONE OF
19 THIS SECTION SHALL, AT THE TIME OF THE TRANSACTION:

20 (A) MAKE A COPY OF THE SELLER'S GOVERNMENT ISSUED IDENTIFICATION;

21 (B) MAKE A COPY OF THE SELLER'S PROOF OF AUTHORIZATION TO SELL SUCH
22 ITEMS;

23 (C) EXECUTE A STATEMENT WHICH SHALL INCLUDE THE DRIVER'S LICENSE
24 NUMBER OR INFORMATION FROM A GOVERNMENT ISSUED IDENTIFICATION CARD, IF
25 ANY, OF SUCH PERSON AND THE LICENSE PLATE AND/OR VEHICLE IDENTIFICATION
26 NUMBER OF THE VEHICLE OR VEHICLES USED TO TRANSPORT THE ITEMS TO BE
27 SOLD; AND

28 (D) ENSURE THAT THE SELLER SIGNS THE STATEMENT REFERRED TO IN PARA-
29 GRAPH (C) OF THIS SUBDIVISION.

30 4. THE JUNK DEALER SHALL RETAIN A COPY OF THE STATEMENT DESCRIBED IN
31 SUBDIVISION THREE OF THIS SECTION FOR TWO YEARS FROM THE DATE OF
32 PURCHASE.

33 5. IT SHALL BE UNLAWFUL FOR ANY SELLER TO REFUSE TO FURNISH INFORMA-
34 TION OR TO FURNISH INCORRECT OR INCOMPLETE INFORMATION AS REQUIRED TO
35 PROPERLY COMPLETE THE STATEMENT DESCRIBED IN SUBDIVISION THREE OF THIS
36 SECTION.

37 6. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE
38 GUILTY OF A MISDEMEANOR AND SHALL BE SUBJECT TO A TERM OF IMPRISONMENT
39 NOT TO EXCEED ONE YEAR OR BE ORDERED TO PAY A FINE NOT EXCEEDING ONE
40 THOUSAND DOLLARS OR BOTH SUCH FINE AND IMPRISONMENT. IN ADDITION TO
41 OTHER PENALTIES IMPOSED, ANY JUNK DEALER WHO VIOLATES THE PROVISIONS OF
42 THIS SECTION SHALL FORFEIT HIS OR HER LICENSE TO DO BUSINESS.

43 7. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO CITIES OF THE
44 FIRST CLASS.

45 S 3. Section 64 of the general business law is amended to read as
46 follows:

47 S 64. Penalty. [Each] UNLESS OTHERWISE SPECIFIED IN THIS ARTICLE, A
48 violation of ANY PROVISION OF this article, either by the junk dealer,
49 OR BY the agent or servant thereof, and each false statement made in or
50 on any statement or tag [above mentioned] DESCRIBED IN THIS ARTICLE
51 shall be a misdemeanor and the person convicted shall, in addition to
52 other penalties imposed, forfeit his OR HER license to do business. [But
53 nothing herein contained shall] THE PROVISIONS OF THIS SECTION SHALL NOT
54 apply to cities of the first class.

55 S 4. Section 69-e of the general business law is amended by adding two
56 new subdivisions 3 and 4 to read as follows:

1 3. "GOVERNMENT ISSUED IDENTIFICATION" MEANS ANY CURRENT AND VALID
2 OFFICIAL FORM OF IDENTIFICATION ISSUED BY THE GOVERNMENT OF THE UNITED
3 STATES OF AMERICA, A STATE, TERRITORY, PROTECTORATE, OR DEPENDENCY OF
4 THE UNITED STATES OF AMERICA, A COUNTY, MUNICIPALITY OR SUBDIVISION
5 THEREOF, ANY PUBLIC AGENCY OR DEPARTMENT THEREOF, OR ANY PUBLIC EMPLOY-
6 ER, WHICH REQUIRES AND BEARS THE SIGNATURE OF THE PERSON TO WHOM IT IS
7 ISSUED; PROVIDED, HOWEVER, THAT A SOCIAL SECURITY ACCOUNT NUMBER CARD
8 SHALL NOT BE CONSIDERED TO BE GOVERNMENT ISSUED IDENTIFICATION FOR THE
9 PURPOSES OF THIS ARTICLE.

10 4. "GOVERNMENT ENTITY SIGNS" MEANS TRAFFIC CONTROL DEVICES OR SIGNS
11 USED WITHIN THE STATE ON STREETS, HIGHWAYS, BIKEWAYS, AND PRIVATE ROADS
12 OPEN TO PUBLIC TRAVEL AS DESCRIBED IN THE NATIONAL MANUAL ON UNIFORM
13 TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS (MUTCD) AND/OR 17 NYCRR
14 CHAPTER V.

15 S 5. The general business law is amended by adding a new section 69-i
16 to read as follows:

17 S 69-I. PROHIBITION ON SALE OF GOVERNMENT ENTITY SIGNS OR HISTORICAL
18 MARKERS. 1. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO
19 THE CONTRARY, IT SHALL BE UNLAWFUL FOR ANY SCRAP PROCESSOR TO SELL,
20 OFFER FOR SALE, OR PURCHASE AS SCRAP, ANY OF THE FOLLOWING ITEMS UNLESS
21 SUCH ITEMS ARE OFFERED FOR SALE, SOLD OR PURCHASED AS SCRAP BY A DULY
22 AUTHORIZED EMPLOYEE OR AGENT OF A GOVERNMENTAL ENTITY ACTING IN HIS OR
23 HER OFFICIAL CAPACITY:

- 24 (A) STREET SIGNS;
- 25 (B) HISTORICAL MARKERS; OR
- 26 (C) GOVERNMENT ENTITY SIGNS.

27 2. A DULY AUTHORIZED EMPLOYEE OR AGENT OF A GOVERNMENTAL ENTITY SELL-
28 ING, OFFERING FOR SALE OR PURCHASING AS SCRAP ANY OF THE ITEMS DESCRIBED
29 IN SUBDIVISION ONE OF THIS SECTION SHALL PROVIDE WRITTEN EVIDENCE OF
30 AUTHORIZATION TO DO SO PRIOR TO ENTERING INTO ANY TRANSACTION. EVIDENCE
31 OF AUTHORIZATION SHALL BE IN THE FORM OF A STATEMENT WHICH COMPLIES WITH
32 THE FOLLOWING REQUIREMENTS:

33 (A) THE STATEMENT SHALL BE WITNESSED BY THE CLERK OR SECRETARY OF THE
34 MUNICIPALITY OR GOVERNMENT ENTITY AUTHORIZING THE SALE OR PURCHASE AND
35 SHALL HAVE THE RAISED SEAL OF THE GOVERNMENT ENTITY AFFIXED TO SUCH
36 AUTHORIZATION;

37 (B) THE STATEMENT SHALL INCLUDE AN ITEMIZED LIST OF THE MATERIALS TO
38 BE SOLD, OFFERED FOR SALE OR PURCHASED; AND

39 (C) THE STATEMENT SHALL SPECIFY THE NAME OF THE AUTHORIZED EMPLOYEE OR
40 AGENT OF THE GOVERNMENT ENTITY.

41 3. ANY SCRAP PROCESSOR PURCHASING ANY ITEM SPECIFIED IN SUBDIVISION
42 ONE OF THIS SECTION SHALL, AT THE TIME OF THE TRANSACTION:

43 (A) MAKE A COPY OF THE SELLER'S GOVERNMENT ISSUED IDENTIFICATION;

44 (B) MAKE A COPY OF THE SELLER'S PROOF OF AUTHORIZATION TO SELL SUCH
45 ITEMS;

46 (C) EXECUTE A STATEMENT WHICH SHALL INCLUDE THE DRIVER'S LICENSE
47 NUMBER OR INFORMATION FROM A GOVERNMENT ISSUED IDENTIFICATION CARD, IF
48 ANY, OF SUCH PERSON AND THE LICENSE PLATE AND/OR VEHICLE IDENTIFICATION
49 NUMBER OF THE VEHICLE OR VEHICLES USED TO TRANSPORT THE ITEMS TO BE
50 SOLD; AND

51 (D) ENSURE THAT THE SELLER SIGNS THE STATEMENT REFERRED TO IN PARA-
52 GRAPH (C) OF THIS SUBDIVISION.

53 4. THE SCRAP PROCESSOR SHALL RETAIN A COPY OF THE STATEMENT DESCRIBED
54 IN SUBDIVISION THREE OF THIS SECTION FOR TWO YEARS FROM THE DATE OF
55 PURCHASE.

1 5. IT SHALL BE UNLAWFUL FOR ANY SELLER TO REFUSE TO FURNISH INFORMA-
2 TION OR TO FURNISH INCORRECT OR INCOMPLETE INFORMATION AS REQUIRED TO
3 PROPERLY COMPLETE THE STATEMENT DESCRIBED IN SUBDIVISION THREE OF THIS
4 SECTION.

5 6. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE
6 GUILTY OF A MISDEMEANOR AND SHALL BE SUBJECT TO A TERM OF IMPRISONMENT
7 NOT TO EXCEED ONE YEAR OR BE ORDERED TO PAY A FINE NOT EXCEEDING ONE
8 THOUSAND DOLLARS OR BOTH SUCH FINE AND IMPRISONMENT. IN ADDITION TO
9 OTHER PENALTIES IMPOSED, ANY SCRAP PROCESSOR WHO VIOLATES THE PROVISIONS
10 OF THIS SECTION SHALL FORFEIT HIS OR HER LICENSE TO DO BUSINESS.

11 7. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO CITIES OF THE
12 FIRST CLASS.

13 S 6. This act shall take effect on the thirtieth day after it shall
14 have become a law.