

5355

2015-2016 Regular Sessions

I N   S E N A T E

May 13, 2015

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Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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 a new subdivision 4 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     S 2. The general business law is amended by adding a new section 63-b  
13 to read as follows:  
14     S 63-B. PROHIBITION ON SALE OF GOVERNMENT ENTITY SIGNS OR HISTORICAL  
15 MARKERS. 1. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO  
16 THE CONTRARY, IT SHALL BE UNLAWFUL TO SELL, OFFER FOR SALE, OR PURCHASE  
17 AS SCRAP, ANY OF THE FOLLOWING ITEMS UNLESS SUCH ITEMS ARE OFFERED FOR  
18 SALE, SOLD OR PURCHASED AS SCRAP BY A DULY AUTHORIZED EMPLOYEE OR AGENT  
19 OF A GOVERNMENTAL ENTITY ACTING IN HIS OR HER OFFICIAL CAPACITY:  
20     (A) STREET SIGNS;  
21     (B) HISTORICAL MARKERS; OR  
22     (C) ANY OTHER JUNK METAL ITEMS BEARING MARKINGS OF ANY GOVERNMENTAL  
23 ENTITY.  
24     2. A DULY AUTHORIZED EMPLOYEE OR AGENT OF A GOVERNMENTAL ENTITY SELL-  
25 ING, OFFERING FOR SALE OR PURCHASING AS SCRAP ANY OF THE ITEMS DESCRIBED

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

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1 IN SUBDIVISION ONE OF THIS SECTION SHALL PROVIDE WRITTEN EVIDENCE OF  
2 AUTHORIZATION TO DO SO PRIOR TO ENTERING INTO ANY TRANSACTION. EVIDENCE  
3 OF AUTHORIZATION SHALL BE IN THE FORM OF A STATEMENT WHICH COMPLIES WITH  
4 THE FOLLOWING REQUIREMENTS:

5 (A) THE STATEMENT SHALL BE WITNESSED BY THE CLERK OR SECRETARY OF THE  
6 MUNICIPALITY OR GOVERNMENT ENTITY AUTHORIZING THE SALE OR PURCHASE AND  
7 SHALL HAVE THE RAISED SEAL OF THE GOVERNMENT ENTITY AFFIXED TO SUCH  
8 AUTHORIZATION;

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

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

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

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

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

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

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

25 4. THE JUNK DEALER SHALL RETAIN A COPY OF THE STATEMENT DESCRIBED IN  
26 SUBDIVISION THREE OF THIS SECTION FOR TWO YEARS FROM THE DATE OF  
27 PURCHASE.

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

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

38 7. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO CITIES OF THE  
39 FIRST CLASS.

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

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

50 S 4. This act shall take effect on the thirtieth day after it shall  
51 have become a law.