

# STATE OF NEW YORK

2866

2019-2020 Regular Sessions

## IN SENATE

January 30, 2019

Introduced by Sen. JORDAN -- 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 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 § 2. The general business law is amended by adding a new section 63-b  
18 to read as follows:

19 § 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:

25 (a) street signs;

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

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1 (b) historical markers; or

2 (c) government entity signs.

3 2. A duly authorized employee or agent of a governmental entity sell-  
4 ing, offering for sale or purchasing as scrap any of the items described  
5 in subdivision one of this section shall provide written evidence of  
6 authorization to do so prior to entering into any transaction. Evidence  
7 of authorization shall be in the form of a statement which complies with  
8 the following requirements:

9 (a) the statement shall be witnessed by the clerk or secretary of the  
10 municipality or government entity authorizing the sale or purchase and  
11 shall have the raised seal of the government entity affixed to such  
12 authorization;

13 (b) the statement shall include an itemized list of the materials to  
14 be sold, offered for sale or purchased; and

15 (c) the statement shall specify the name of the authorized employee or  
16 agent of the government entity.

17 3. Any junk dealer purchasing any item specified in subdivision one of  
18 this section shall, at the time of the transaction:

19 (a) make a copy of the seller's government issued identification;

20 (b) make a copy of the seller's proof of authorization to sell such  
21 items;

22 (c) execute a statement which shall include the driver's license  
23 number or information from a government issued identification card, if  
24 any, of such person and the license plate and/or vehicle identification  
25 number of the vehicle or vehicles used to transport the items to be  
26 sold; and

27 (d) ensure that the seller signs the statement referred to in para-  
28 graph (c) of this subdivision.

29 4. The junk dealer shall retain a copy of the statement described in  
30 subdivision three of this section for two years from the date of  
31 purchase.

32 5. It shall be unlawful for any seller to refuse to furnish informa-  
33 tion or to furnish incorrect or incomplete information as required to  
34 properly complete the statement described in subdivision three of this  
35 section.

36 6. Any person who violates the provisions of this section shall be  
37 guilty of a misdemeanor and shall be subject to a term of imprisonment  
38 not to exceed one year or be ordered to pay a fine not exceeding one  
39 thousand dollars or both such fine and imprisonment. In addition to  
40 other penalties imposed, any junk dealer who violates the provisions of  
41 this section shall forfeit his or her license to do business.

42 7. The provisions of this section shall not apply to cities of the  
43 first class.

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

46 § 64. Penalty. ~~Each~~ Unless otherwise specified in this article, a  
47 violation of any provision of this article, either by the junk dealer,  
48 or by the agent or servant thereof, and each false statement made in or  
49 on any statement or tag ~~above mentioned~~ described in this article  
50 shall be a misdemeanor and the person convicted shall, in addition to  
51 other penalties imposed, forfeit his or her license to do business. ~~But~~  
52 ~~nothing herein contained shall~~ The provisions of this section shall not  
53 apply to cities of the first class.

54 § 4. Section 69-e of the general business law is amended by adding two  
55 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    § 5. The general business law is amended by adding a new section 69-i  
16 to read as follows:

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