



Legislation Text

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Int. No. 380-A

By Council Members Vallone Jr., Felder, Fidler, Gentile, Gerson, Koppell, Nelson, Recchia Jr., Sears, Weprin, Foster, Jackson, Oddo, Mitchell, Crowley and Gennaro

A Local Law to amend the administrative code of the city of New York, in relation to requiring registration for the purchase and possession of etching acid.

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended to add a new subchapter 3 to read as follows:

SUBCHAPTER 3

ETCHING ACID

§20-611 Definitions.

§20-612 Requirements for purchase or sale.

§20-613 Posting notice.

§20-614 Records of purchase.

§20-615 Rules.

§20-616 Penalties.

§20-611 Definitions. Whenever used in this subchapter, the following terms shall have the following meanings:

1. “Dealer of etching acid” shall mean any person, firm, partnership, corporation or company that engages in the business of dispensing etching acid.

2. “Dispense” shall mean to dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer or otherwise dispose of.

3. “Etching acid” shall have the same meaning set forth in subdivision e of section 10-117.

4. “Personal information” shall mean data pertaining to the purchaser of etching acid that may be used to identify such purchaser. Such information shall be limited to the purchaser’s name, address, type of identification used in the purchase,

identification number, if applicable, the date of purchase and amount of acid dispensed to the purchaser.

5. “Purchasing records” shall mean all written or electronically recorded personal information about a purchaser of etching acid gathered at the time of purchase by a dealer of etching acid as required by this subchapter.

§20-612 Requirements for purchase or sale. 1. Every dealer of etching acid shall request valid photo identification from each purchaser of etching acid at the time of such purchase and contemporaneously record in writing or electronically such purchaser’s personal information.

2. No person shall purchase etching acid without first providing his or her personal information to the dealer of etching acid pursuant to this subchapter. It shall be an affirmative defense to a violation of this subdivision that the dealer failed to request personal information from the purchaser of etching acid.

3. It shall be unlawful for any person to dispense etching acid to any person without recording such purchaser’s personal information.

§20-613 Posting notice. Every dealer of etching acid shall conspicuously post at every table, desk or counter where orders are placed and/or payment is made a notice, the form and manner of which are to be provided by rule of the commissioner, indicating that all purchasers of etching acid shall be required to provide valid photo identification and their personal information and such information shall be recorded by the dealer of etching acid prior to purchase.

§20-614 Records of purchase. 1. Purchasing records shall be kept in a secure location and made available only to the commissioner and his or her designee, or a police officer, and shall be used solely for the purposes of enforcement of this subchapter and of state and local anti-graffiti laws and rules.

2. a. Purchasing records shall be kept by dealers of etching acid for one year.

b. All purchasing records and any other information pertaining to the purchase or sale of etching acid shall be disposed of by the following methods only:

i. shredding the records before the disposal of the records; or

ii. destroying the personal information contained in the records; or

iii. modifying the records to make the personal information unreadable; or

iv. taking actions consistent with commonly accepted industry practices reasonably believed to ensure that no unauthorized person will have access to the personal information contained in the records.

§20-615 Rules. The commissioner may make and promulgate such rules and regulations as he or she may deem necessary for the proper implementation and enforcement of this subchapter.

§20-616 Penalties. 1. Any person who violates the provisions of this section shall be guilty of a violation punishable by a fine of not less than one hundred dollars and not more than two hundred fifty dollars.

2. Any person violating this section shall be subject to a civil penalty of not less than one hundred dollars and not more than two hundred fifty dollars. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a notice of hearing that shall be returnable to the administrative tribunal of the department.

3. Any person who subsequently violates this section within a period of one year of the date of the first violation shall be guilty of a violation, punishable by a fine not less than five hundred dollars.

§ 2. This local law shall take effect one hundred twenty days after its enactment provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

LCC
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