

Legislative Bill Drafting Commission  
08581-01-1

S.

SENATE

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

A.  
ASSEMBLY

IN ASSEMBLY--Introduced by M. of A.

--read once and referred to the  
Committee on

\*STAFFILA\*

(Requires a winning contractor to  
warrant that his or her product will  
not contain any computer code or me-  
chanism capable of disabling or im-  
pairing the product in the future)

St Fin. procure contract warranty

AN ACT

to amend the state finance law, in  
relation to the purchasing of reman-  
ufactured commodities through the  
state procurement process

The People of the State of New  
York, represented in Senate and  
Assembly, do enact as follows:

IN SENATE

Senate introducer's signature

The Senators whose names are circled below wish to join me  
in the sponsorship of this proposal:

s55 Alesi s67 Barberi s10 Bonacic s42 Breslin s37 Brown s43 Bruno s23 Connor s49 DeFrancisco s54 Dolinger s27 Duane s12 Espada s44 Farley s68 Fuschillo s23 Gentile s31 Gonzalez s26 Goodman s06 Hanson s33 Haxsell- Thompson s13 Hevel s48 Hoffmann	s04 Johnson s21 Kruger s32 Kubl s22 Lachman s02 Luck s36 Larkin s01 LaValle s37 Leibell s21 Lipout s15 Mabese s05 Maccagnano s24 Marchi s20 Markowitz s41 Matarazzo s34 McGee s17 Meyer s24 Mezzera s18 Montgomery s18 Morrison s13 Nazzario s14 Onorato	s36 Oppolencome s11 Padavan s29 Passeron s40 Rarb s41 Salsed s19 Sampson s17 Sanzago s30 Schneiderman s50 Senzad s09 Skolas s12 Smith, A. s10 Smith, M. s35 Spano s58 Spachovick s15 Stafford s14 Starbky s49 Truozzi s34 Valotta s59 Volney s46 Wright
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IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish  
to join me in the sponsorship of this proposal:

s049 Abbate s001 Accampora s022 Alfano s074 Arroyo s035 Aubry s139 Baccaliet s021 Bana s007 Barraga s055 Boydano s008 Boyle s118 Bragman s044 Brennan s088 Brodsky s121 Brown s117 Burling s113 Butler s101 Cahill s094 Calhoun s104 Canevaran s026 Carrozzini s194 Casale s119 Christensen s033 Clark s046 Cohen, A. s078 Cohen, M. s094 Colman s047 Cohen s010 Conis s137 Cook s122 Crauch s048 Cymbrowicz s109 D'Andrea s079 Davis s134 DeMone s075 Diaz s016 DiNapoli s131 Dinga s081 Dinovora s005 Edgington s004 Emigmbright s184 Eringo s072 Espallier s141 Eve s071 Farrell s102 Fayo s015 Ferraro s126 Finch s001 Flanagan s090 Galef	s133 Ganzi s036 Gianaris s066 Glick s040 Gordon s064 Gornfeld s063 Gramis s057 Green s077 Greene s092 Gronbeck s098 Gunner s142 Hayes s043 Heasler s014 Herbst s035 Higgins s048 Hilsard s018 Hooper s141 Hoyt s043 Jacobs s131 John s082 Kaufman s096 Kirwan s080 Klein s129 Kolb s133 Kosch s012 Labriola s034 Laforte s029 Laville s050 Lewtal s063 Levy s109 Lonic s053 Lopez s125 Lovato s111 Magee s120 Magnarelli s099 Malin s030 Markey s069 Marzov s027 Marzovini s084 McEnroe s024 McLaughlin s097 Miller s052 Millman s095 Mills s132 Morelle s019 Murray s137 Nesbitt s037 Nolan s043 Norman s134 Norzi s128 Oaks	s017 O'Connell s051 Orta s110 Orloff s190 Parnetti s098 Paulin s058 Perry s023 Pfeiffer s064 Ponzil s117 Pucchesi s064 Puchow s073 Ravita s081 Rhoad-Cummings s076 Rivera, J. s076 Rivera, P. s134 Robach s063 Sanders s029 Scarborough s140 Schirringger s112 Scobisava s139 Seaman s039 Seidlin s038 Benjamin s013 Siddiman s062 Silver s146 Smith s087 Spino s091 Stephens s061 Suranerie s067 Svinger s069 Sullivan, E.C. s117 Sullivan, F.T. s011 Sweeney s083 Tedisco s092 Thiele s095 Tizza s143 Tokasz s105 Tonko s054 Toons s115 Townsend s066 Vann s060 Vialiano s124 Warner s041 Weinstein s020 Weinstenberg s024 Weprin s006 Wertz s127 Winner s144 Wirth s070 Wright s149 Young
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1) Single house bill introduced and printed separately in either or both houses: Sign 2  
copies, circle names of co-sponsors and deliver to the legislative clerk of the house  
together with a copy of the introducer's memorandum.

2) Bi-house introduced simultaneously: In both houses and printed on one bill: Sign  
and Assembly introducer use the same copy of the bill, circle the names of co-sponsors  
and return it to the legislative clerk of either house with the remaining copies and 2  
copies of the introducer's memorandum.

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1 Section 1. Legislative findings and intent. The legislature finds that  
2 New York state's remanufacturing industry, which is composed of a wide  
3 array of businesses, many of which are small businesses, is a vital  
4 sector of the economy, employing thousands of people while diverting  
5 thousands of tons of waste from entering our landfills. The legislature  
6 further finds that the state procurement process already encourages the  
7 purchasing of products that are recycled and those that can be supplied  
8 from our largest growth sector, small businesses. Based on these two  
9 precedents and the fact that remanufactured products are the highest  
10 form of recycling, the legislature finds and declares that the state  
11 should actively seek to purchase remanufactured goods.

12 This act would prohibit a state agency from purchasing any product  
13 that contains any computer code (1) that would disable the product, the  
14 ability to upgrade the product, or impair in any way the product's oper-  
15 ation based on the elapsing of a period of time, exceeding an authorized  
16 number of copies, advancement to a particular date or other numeral, or  
17 some other similar self-destruct mechanism (sometimes referred to as  
18 "time bombs", "time locks", or "drop dead devices"); or (2) that would  
19 permit access to the product to cause disablement or impairment (some-  
20 times referred to as a "trap door device").

21 § 2. The state finance law is amended by adding a new section 169 to  
22 read as follows:

23 § 169. Warranty by contractor. 1. Any person who is awarded a contract  
24 pursuant to this chapter shall warrant and covenant that the product and  
25 its upgrades will not contain any computer code or mechanism that would:  
26 (a) disable the product, the ability to upgrade the product, or impair  
27 in any way the product's operation based on the elapsing of a period of  
28 time, exceeding an authorized number of copies, advancement to a partic-

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1 ular date or other numeral, or some other similar self-destruct mech-  
2 anism (sometimes referred to as "time bombs", "time locks", or "drop  
3 dead devices"); or

4 (b) permit access to the product to cause disablement or impairment  
5 (sometimes referred to as a "trap door device").

6 2. Any person who is awarded a contract pursuant to this chapter shall  
7 agree that in the event of a breach or alleged breach of this section,  
8 an authorized user has no adequate remedy at law and shall consequently  
9 be entitled to seek a temporary restraining order, injunction, or other  
10 form of equitable relief against the continuance of such breach, in  
11 addition to any other remedies to which the authorized user shall be  
12 entitled.

13 § 3. This act shall take effect 30 days after it shall have become a  
14 law.