

3021

2011-2012 Regular Sessions

I N S E N A T E

February 7, 2011

Introduced by Sens. HUNTLEY, ADDABBO, DIAZ, HASSELL-THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York and the general business law, in relation to requiring licensing for doorbuster sales

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

1 Section 1. Chapter 2 of title 20 of the administrative code of the
2 city of New York is amended by adding a new subchapter 33 to read as
3 follows:

4 SUBCHAPTER 33
5 DOORBUSTER SALES

6 S 20-539 DEFINITIONS.
7 S 20-540 LICENSE REQUIRED.
8 S 20-541 APPLICATION.
9 S 20-542 ISSUANCE OF LICENSE.

10 S 20-543 RULES.
11 S 20-544 VIOLATIONS.
12 S 20-545 HEARING AUTHORITY.

13 S 20-539 DEFINITIONS. WHENEVER USED IN THIS SUBCHAPTER, THE FOLLOWING
14 TERMS SHALL MEAN AND INCLUDE:

15 1. "DOORBUSTER SALE." A SALE OR AN OFFER TO SELL TO THE PUBLIC, GOODS,
16 WARES, AND MERCHANDISE OF ANY KIND AT A SUBSTANTIALLY DISCOUNTED PRICE
17 FOR A LIMITED TIME WHERE THE FOLLOWING FACTORS OCCUR:

18 A. THE SALE FEATURES CERTAIN ITEMS AT A FURTHER REDUCED PRICE FOR A
19 LIMITED TIME ON THE DAY OF THE SALE; AND

20 B. THE SALE FEATURES A LIMITED QUANTITY OF CERTAIN ITEMS AT A FURTHER
21 REDUCED PRICE TO ATTRACT USUALLY LARGER THAN ANTICIPATED CROWDS; AND

22 C. LANGUAGE IS USED TO PROMOTE THE SALE WHICH ENTICES THE PUBLIC TO
23 WAIT IN LINE PRIOR TO THE RETAILER'S OPENING, INCLUDING BUT NOT LIMITED

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

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TO "BLACK FRIDAY," "DOORBUSTER," AND "FIRST COME FIRST SERVED," OR THE SALE IS ADVERTISED TO START EARLIER THAN THE RETAILER'S NORMAL BUSINESS HOURS; AND

D. DOORBUSTER SALES SHALL NOT INCLUDE "GOING OUT OF BUSINESS SALES" AS DEFINED BY SECTION 20-308 OF THIS CHAPTER.

2. "COMMISSIONER." THE COMMISSIONER OF CONSUMER AFFAIRS.

S 20-540 LICENSE REQUIRED. IT SHALL BE UNLAWFUL FOR ANY PERSON TO ADVERTISE OR TO PUBLISH NOTICE PERTAINING TO OR TO CONDUCT A DOORBUSTER SALE WITHOUT FIRST OBTAINING A LICENSE ISSUED PURSUANT TO THIS SUBCHAPTER.

S 20-541 APPLICATION. 1. EACH RETAILER APPLYING FOR A LICENSE SHALL FILE AN APPLICATION IN SUCH FORM AND DETAIL AS THE COMMISSIONER MAY PRESCRIBE AND SHALL PAY A FEE OF ONE HUNDRED DOLLARS.

2. ALL APPLICATIONS FOR SUCH LICENSES SHALL BE FILED AT LEAST SIXTY DAYS PRIOR TO THE DATE ON WHICH SUCH SALE IS TO COMMENCE.

3. THE FEE FOR FILING SUCH APPLICATION SHALL BE ONE HUNDRED DOLLARS.

4. IN ADDITION TO ANY OTHER INFORMATION REQUIRED, THE COMMISSIONER SHALL REQUIRE THE FOLLOWING INFORMATION:

A. THE NAME AND ADDRESS OF THE APPLICANT, WHETHER THE APPLICANT IS THE TRUE OWNER OF THE GOODS, WARES OR MERCHANDISE TO BE SOLD, AND

(I) IF THE APPLICANT BE A PARTNERSHIP, THE NAMES AND ADDRESSES OF ALL PARTNERS, OR

(II) IF THE APPLICANT BE A CORPORATION OR ASSOCIATION, THE DATE AND PLACE OF INCORPORATION OR ORGANIZATION, THE ADDRESS OF THE PRINCIPAL OFFICE WITHIN THE STATE, THE NAMES AND ADDRESSES OF ALL THE OFFICERS OF THE APPLICANT AND WHETHER A CONTROLLING INTEREST IN THE CORPORATION OR ASSOCIATION WAS TRANSFERRED WITHIN SIX MONTHS PRIOR TO THE DATE OF THE FILING OF THE APPLICATION.

B. THE NAME AND ADDRESS OF THE PERSON OR PERSONS WHO WILL BE IN CHARGE AND RESPONSIBLE FOR THE CONDUCT OF SUCH SALE.

C. THE EXACT ADDRESS OF THE PLACE AT WHICH SUCH SALE IS TO BE CONDUCTED AND THE LENGTH OF TIME THE APPLICANT HAS BEEN ENGAGED IN BUSINESS AT SUCH LOCATION.

D. THE DATE AND TIME SUCH SALE IS TO BEGIN AND THE DURATION OF SUCH SALE.

E. THE NATURE OF THE OCCUPANCY WHERE SUCH SALE IS TO BE HELD, WHETHER BY LEASE OR OTHERWISE, AND THE EFFECTIVE DATE OF TERMINATION OF SUCH OCCUPANCY.

F. A STATEMENT OF THE DESCRIPTIVE NAME OF THE SALE.

G. A VALID AND ACCURATE FLOOR PLAN OF THE LOCATION AT WHICH SUCH SALE IS TO BE CONDUCTED, WITH THE DOORS TO BE USED AS ENTRANCES TO AND EXITS FROM THE PROPOSED SALE CLEARLY MARKED.

H. A DETAILED PLAN FOR CROWD CONTROL THAT IS DESIGNED TO ENSURE ORDERLY AND SAFE ENTRANCE INTO THE STORE, INCLUDING THE FOLLOWING INFORMATION:

(I) THE CAPACITY OF THE LOCATION OF SUCH SALE; AND

(II) AN EXPECTATION OF THE NUMBER OF PEOPLE ANTICIPATED TO ATTEND SUCH SALE; AND

(III) THE NUMBER OF PERSONNEL ASSIGNED TO MANAGE THE ENTRANCES TO THE STORE; AND

(IV) THE TIME AT WHICH CUSTOMERS WILL BE PERMITTED TO STAND IN LINE PRIOR TO THE OPENING OF THE STORE; AND

(V) THE TOTAL NUMBER OF PERSONNEL ASSIGNED TO WORK FOR THE DURATION OF SUCH SALE; AND

(VI) ANY ADDITIONAL INFORMATION AS THE COMMISSIONER MAY REQUIRE.

1 S 20-542 ISSUANCE OF LICENSE. UPON THE FILING OF SUCH APPLICATION, THE
2 COMMISSIONER SHALL ISSUE SUCH LICENSE FOR THE DATE OF THE PROPOSED
3 DOORBUSTER SALE IF HE OR SHE FINDS THAT THE CROWD CONTROL PLAN IS
4 ADEQUATE TO ENSURE THE PUBLIC'S SAFETY FOR THE DURATION OF THE SALE.

5 S 20-543 RULES. 1. THE RETAILER SHALL ENSURE THAT ALL PERSONNEL SHALL
6 RECEIVE ADEQUATE TRAINING BY A LICENSED SECURITY GUARD RELATING TO CROWD
7 CONTROL, STORE SAFETY AND SALES PROCEDURES. THE LICENSED SECURITY GUARD
8 AND THE STORE MANAGER SHALL SIGN A LETTER OF CERTIFICATION FOR THE
9 EMPLOYEE TRAINED IN ORDER TO CERTIFY THAT THE EMPLOYEE HAS RECEIVED
10 PROPER TRAINING.

11 2. THE RETAILER SHALL DEVELOP AND INSTITUTE STORE POLICIES AND PROCE-
12 DURES WHICH ARE DESIGNED TO PROMOTE THE FAIR AND ORDERLY SALE OF
13 PRODUCTS WHICH ARE BEING OFFERED AT A REDUCED SALE PRICE INCLUDING BUT
14 NOT LIMITED TO:

15 A. SECURED AND MARKED WAITING AREAS OUTSIDE THE RETAIL PREMISES;

16 B. A FIRST COME-FIRST SERVED OR LOTTERY NUMBER ISSUE SYSTEM FOR GOODS
17 WHICH ARE LIMITED IN QUANTITY; AND

18 C. PLACEMENT OF CERTAIN LIMITED QUANTITY ITEMS IN RESTRICTED AREAS
19 WHICH ARE SECURED BY STAFF AND/OR OTHER SECURITY MEASURES SO AS TO ALLOW
20 FOR THE ORDERLY DISTRIBUTION OF SUCH ITEMS BY SALES ASSOCIATES ACCORDING
21 TO SET POLICIES AND PROCEDURES.

22 3. THE COMMISSIONER MAY MAKE AND PROMULGATE SUCH RULES AND REGULATIONS
23 AS HE OR SHE MAY DEEM NECESSARY FOR THE PROPER IMPLEMENTATION AND
24 ENFORCEMENT OF THIS SUBCHAPTER.

25 S 20-544 VIOLATIONS. 1. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS
26 SUBCHAPTER SHALL BE GUILTY OF A VIOLATION PUNISHABLE BY A FINE OF NOT
27 LESS THAN FIVE THOUSAND DOLLARS. ANY SUBSEQUENT VIOLATIONS SHALL BE
28 PUNISHABLE BY A FINE OF TEN THOUSAND DOLLARS.

29 2. ANY PERSON VIOLATING THIS SUBCHAPTER SHALL BE SUBJECT TO A CIVIL
30 PENALTY OF NOT LESS THAN FIVE THOUSAND DOLLARS. A PROCEEDING TO RECOVER
31 ANY CIVIL PENALTY PURSUANT TO THIS SUBCHAPTER SHALL BE COMMENCED BY THE
32 SERVICE OF A NOTICE OF HEARING THAT SHALL BE RETURNABLE TO THE ADMINIS-
33 TRATIVE TRIBUNAL OF THE DEPARTMENT. ANY SUBSEQUENT VIOLATIONS SHALL BE
34 PUNISHABLE BY A FINE OF TEN THOUSAND DOLLARS.

35 S 20-545 HEARING AUTHORITY. 1. NOTWITHSTANDING ANY OTHER PROVISION OF
36 LAW, THE DEPARTMENT SHALL BE AUTHORIZED UPON DUE NOTICE AND HEARING, TO
37 IMPOSE CIVIL PENALTIES FOR THE VIOLATION OF ANY PROVISION OF THIS
38 SUBCHAPTER AND ANY RULES PROMULGATED THEREUNDER. SUCH DEPARTMENT SHALL
39 HAVE THE POWER TO RENDER DECISIONS AND ORDERS AND TO IMPOSE CIVIL PENAL-
40 TIES NOT TO EXCEED THE AMOUNTS SPECIFIED IN SECTION 20-544 OF THIS
41 SUBCHAPTER FOR EACH SUCH VIOLATION. ALL PROCEEDINGS AUTHORIZED PURSUANT
42 TO THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH RULES PROMULGATED
43 BY THE COMMISSIONER. THE PENALTIES PROVIDED FOR IN SECTION 20-544 OF
44 THIS SUBCHAPTER SHALL BE IN ADDITION TO ANY OTHER REMEDIES OR PENALTIES
45 PROVIDED FOR THE ENFORCEMENT OF SUCH PROVISIONS UNDER ANY OTHER LAW
46 INCLUDING, BUT NOT LIMITED TO, CIVIL OR CRIMINAL ACTIONS OR PROCEEDINGS.

47 2. ALL SUCH PROCEEDINGS SHALL BE COMMENCED BY THE SERVICE OF A NOTICE
48 OF VIOLATION RETURNABLE TO THE ADMINISTRATIVE TRIBUNAL OF THE DEPARTMENT
49 OF CONSUMER AFFAIRS. THE COMMISSIONER SHALL PRESCRIBE THE FORM AND WORD-
50 ING OF NOTICES OF VIOLATION. THE NOTICE OF VIOLATION OR COPY THEREOF
51 WHEN FILLED IN AND SERVED SHALL CONSTITUTE NOTICE OF THE VIOLATION
52 CHARGED, AND, IF SWORN TO OR AFFIRMED, SHALL BE PRIMA FACIE EVIDENCE OF
53 THE FACTS CONTAINED THEREIN.

54 S 2. The general business law is amended by adding a new article 29-FF
55 to read as follows:

ARTICLE 29-FF
DOORBUSTER SALES

SECTION 596-A. DEFINITIONS.

596-B. UNLAWFUL ADVERTISEMENT.

596-C. APPLICATION REQUIREMENTS.

596-D. RULES.

596-E. VIOLATIONS.

596-F. HEARING AUTHORITY.

S 596-A. DEFINITIONS. WHENEVER USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL MEAN AND INCLUDE: (A) "DOORBUSTER SALE." A SALE OR AN OFFER TO SELL TO THE PUBLIC, GOODS, WARES, AND MERCHANDISE OF ANY KIND AT A SUBSTANTIALLY DISCOUNTED PRICE FOR A LIMITED TIME WHERE AT LEAST ONE OF THE FOLLOWING FACTORS OCCUR:

(1) THE SALE FEATURES CERTAIN ITEMS AT A FURTHER REDUCED PRICE FOR A LIMITED TIME ON THE DAY OF THE SALE; AND

(2) THE SALE FEATURES A LIMITED QUANTITY OF CERTAIN ITEMS AT A FURTHER REDUCED PRICE TO ATTRACT USUALLY LARGER THAN ANTICIPATED CROWDS; AND

(3) LANGUAGE IS USED TO PROMOTE THE SALE WHICH ENTICES THE PUBLIC TO WAIT IN LINE PRIOR TO THE RETAILER'S OPENING, INCLUDING BUT NOT LIMITED TO "BLACK FRIDAY," "DOORBUSTER," AND "FIRST COME FIRST SERVED," OR THE SALE IS ADVERTISED TO START EARLIER THAN THE RETAILER'S NORMAL BUSINESS HOURS; AND

(4) DOORBUSTER SALES SHALL NOT INCLUDE "GOING OUT OF BUSINESS SALES" AS DEFINED BY SECTION FIVE HUNDRED EIGHTY-ONE OF THIS CHAPTER.

(B) "LICENSING AUTHORITY." THE DEPARTMENT OR OFFICER OF ANY CITY, TOWN OR VILLAGE ESTABLISHED FOR THE SPECIFIC PURPOSE OF ISSUING LICENSES, AND WHERE THERE IS NO SUCH DEPARTMENT OR OFFICER, IT SHALL MEAN THE CLERK OF SUCH CITY, TOWN OR VILLAGE.

S 596-B. UNLAWFUL ADVERTISEMENT. IT SHALL BE UNLAWFUL FOR ANY PERSON TO ADVERTISE OR TO PUBLISH NOTICE PERTAINING TO OR TO CONDUCT A DOORBUSTER SALE WITHOUT FIRST OBTAINING A LICENSE ISSUED PURSUANT TO THIS ARTICLE.

S 596-C. APPLICATION REQUIREMENTS. (A) ANY RETAILER DESIRING TO CONDUCT A DOORBUSTER SALE AS DEFINED IN SECTION FIVE HUNDRED NINETY-SIX-A OF THIS ARTICLE, SHALL FILE AN APPLICATION UNDER OATH TO THE LICENSING AUTHORITY OF THE APPROPRIATE CITY, TOWN, OR VILLAGE IN WHICH THE SALE IS TO BE HELD. ANY RETAILER DESIRING TO CONDUCT A DOORBUSTER SALE LOCATED WITHIN ANY BOROUGH OF THE CITY OF NEW YORK SHALL COMPLY WITH THE PROVISIONS SET FORTH WITHIN SUBCHAPTER THIRTY-THREE OF CHAPTER TWO OF TITLE TWENTY OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

(B) ALL APPLICATIONS FOR SUCH LICENSES SHALL BE FILED AT LEAST SIXTY DAYS PRIOR TO THE DATE ON WHICH SUCH SALE IS TO COMMENCE.

(C) THE FEE FOR FILING SUCH APPLICATION SHALL BE ONE HUNDRED DOLLARS.

(D) IN ADDITION TO ANY OTHER INFORMATION REQUIRED, THE LICENSING AUTHORITY SHALL REQUIRE THE FOLLOWING INFORMATION: (I) THE NAME AND ADDRESS OF THE APPLICANT, WHETHER THE APPLICANT IS THE TRUE OWNER OF THE GOODS, WARES OR MERCHANDISE TO BE SOLD, AND

(A) IF THE APPLICANT BE A PARTNERSHIP, THE NAMES AND ADDRESSES OF ALL PARTNERS, OR

(B) IF THE APPLICANT BE A CORPORATION OR ASSOCIATION, THE DATE AND PLACE OF INCORPORATION OR ORGANIZATION, THE ADDRESS OF THE PRINCIPAL OFFICE WITHIN THE STATE, THE NAMES AND ADDRESSES OF ALL THE OFFICERS OF THE APPLICANT AND WHETHER A CONTROLLING INTEREST IN THE CORPORATION OR ASSOCIATION WAS TRANSFERRED WITHIN SIX MONTHS PRIOR TO THE DATE OF THE FILING OF THE APPLICATION.

1 (II) THE NAME AND ADDRESS OF THE PERSON OR PERSONS WHO WILL BE IN
2 CHARGE AND RESPONSIBLE FOR THE CONDUCT OF SUCH SALE.

3 (III) THE EXACT ADDRESS OF THE PLACE AT WHICH SUCH SALE IS TO BE
4 CONDUCTED AND THE LENGTH OF TIME THE APPLICANT HAS BEEN ENGAGED IN BUSI-
5 NESS AT SUCH LOCATION.

6 (IV) THE DATE AND TIME SUCH SALE IS TO BEGIN AND THE DURATION OF SUCH
7 SALE.

8 (V) THE NATURE OF THE OCCUPANCY WHERE SUCH SALE IS TO BE HELD, WHETHER
9 BY LEASE OR OTHERWISE, AND THE EFFECTIVE DATE OF TERMINATION OF SUCH
10 OCCUPANCY.

11 (VI) A STATEMENT OF THE DESCRIPTIVE NAME OF THE SALE.

12 (VII) A VALID AND ACCURATE FLOOR PLAN OF THE LOCATION AT WHICH SUCH
13 SALE IS TO BE CONDUCTED, WITH THE DOORS TO BE USED AS ENTRANCES TO AND
14 EXITS FROM THE PROPOSED SALE CLEARLY MARKED.

15 (VIII) A DETAILED PLAN FOR CROWD CONTROL THAT IS DESIGNED TO ENSURE
16 ORDERLY AND SAFE ENTRANCE INTO THE STORE, INCLUDING THE FOLLOWING INFOR-
17 MATION:

18 (A) THE CAPACITY OF THE LOCATION OF SUCH SALE; AND

19 (B) AN EXPECTATION OF THE NUMBER OF PEOPLE ANTICIPATED TO ATTEND SUCH
20 SALE; AND

21 (C) THE NUMBER OF PERSONNEL ASSIGNED TO MANAGE THE ENTRANCES TO THE
22 STORE; AND

23 (D) THE TIME AT WHICH CUSTOMERS WILL BE PERMITTED TO STAND IN LINE
24 PRIOR TO THE OPENING OF THE STORE; AND

25 (E) THE TOTAL NUMBER OF PERSONNEL ASSIGNED TO WORK FOR THE DURATION OF
26 SUCH SALE; AND

27 (F) ANY ADDITIONAL INFORMATION AS THE LICENSING AUTHORITY MAY REQUIRE.

28 (E) UPON COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE AND SUBJECT TO
29 A FINDING BY THE LICENSING AUTHORITY OF THE APPROPRIATE CITY, TOWN OR
30 VILLAGE IN WHICH THE DOORBUSTER SALE IS TO BE HELD, THAT THE CROWD
31 CONTROL PLAN IS ADEQUATE TO ENSURE THE PUBLIC'S SAFETY FOR THE DURATION
32 OF THE DOORBUSTER SALE, SUCH LICENSING AUTHORITY SHALL ISSUE A LICENSE
33 TO CONDUCT THE DOORBUSTER SALE, WITHIN FORTY-EIGHT HOURS AFTER
34 SUBMISSION OF THE APPLICATION, EXCLUSIVE OF SATURDAYS, SUNDAYS AND
35 PUBLIC HOLIDAYS.

36 S 596-D. RULES. (A) THE RETAILER SHALL ENSURE THAT ALL PERSONNEL SHALL
37 RECEIVE ADEQUATE TRAINING BY A LICENSED SECURITY GUARD RELATING TO CROWD
38 CONTROL, STORE SAFETY AND SALES PROCEDURES. THE LICENSED SECURITY GUARD
39 AND THE STORE MANAGER SHALL SIGN A LETTER OF CERTIFICATION FOR THE
40 EMPLOYEE TRAINED IN ORDER TO CERTIFY THAT THE EMPLOYEE HAS RECEIVED
41 PROPER TRAINING.

42 (B) THE RETAILER SHALL DEVELOP AND INSTITUTE STORE POLICIES AND PROCE-
43 DURES WHICH ARE DESIGNED TO PROMOTE THE FAIR AND ORDERLY SALE OF
44 PRODUCTS WHICH ARE BEING OFFERED AT A REDUCED SALE PRICE INCLUDING BUT
45 NOT LIMITED TO:

46 (1) SECURED AND MARKED WAITING AREAS OUTSIDE THE RETAIL PREMISES;

47 (2) A FIRST COME-FIRST SERVED OR LOTTERY NUMBER ISSUE SYSTEM FOR GOODS
48 WHICH ARE LIMITED IN QUANTITY; AND

49 (3) PLACEMENT OF CERTAIN LIMITED QUANTITY ITEMS IN RESTRICTED AREAS
50 WHICH ARE SECURED BY STAFF AND/OR OTHER SECURITY MEASURES SO AS TO ALLOW
51 FOR THE ORDERLY DISTRIBUTION OF SUCH ITEMS BY SALES ASSOCIATES ACCORDING
52 TO SET POLICIES AND PROCEDURES.

53 (C) THE LICENSING AUTHORITY OF THE APPROPRIATE CITY, TOWN OR VILLAGE
54 IN WHICH THE DOORBUSTER SALE IS TO BE HELD, MAY MAKE AND PROMULGATE SUCH
55 RULES AND REGULATIONS AS HE OR SHE MAY DEEM NECESSARY FOR THE PROPER
56 IMPLEMENTATION AND ENFORCEMENT OF THIS ARTICLE.

1 S 596-E. VIOLATIONS. (A) ANY PERSON WHO VIOLATES THE PROVISIONS OF
2 THIS ARTICLE SHALL BE GUILTY OF A VIOLATION PUNISHABLE BY A FINE OF NOT
3 LESS THAN FIVE THOUSAND DOLLARS. ANY SUBSEQUENT VIOLATIONS SHALL BE
4 PUNISHABLE BY A FINE OF TEN THOUSAND DOLLARS.

5 (B) ANY PERSON VIOLATING THIS ARTICLE SHALL BE SUBJECT TO A CIVIL
6 PENALTY OF NOT LESS THAN FIVE THOUSAND DOLLARS. A PROCEEDING TO RECOVER
7 ANY CIVIL PENALTY PURSUANT TO THIS ARTICLE SHALL BE COMMENCED BY THE
8 SERVICE OF A NOTICE OF HEARING THAT SHALL BE RETURNABLE TO THE LICENSING
9 AUTHORITY OF THE APPROPRIATE CITY, TOWN OR VILLAGE IN WHICH THE DOORBUS-
10 TER SALE IS TO BE HELD. ANY SUBSEQUENT VIOLATIONS SHALL BE PUNISHABLE
11 BY A FINE OF TEN THOUSAND DOLLARS.

12 S 596-F. HEARING AUTHORITY. (A) NOTWITHSTANDING ANY OTHER PROVISION OF
13 LAW, THE LICENSING AUTHORITY OF THE APPROPRIATE CITY, TOWN OR VILLAGE IN
14 WHICH THE DOORBUSTER SALE IS TO BE HELD, SHALL BE AUTHORIZED UPON DUE
15 NOTICE AND HEARING, TO IMPOSE CIVIL PENALTIES FOR THE VIOLATION OF ANY
16 PROVISION OF THIS ARTICLE AND ANY RULES PROMULGATED THEREUNDER. SUCH
17 LICENSING AUTHORITY SHALL HAVE THE POWER TO RENDER DECISIONS AND ORDERS
18 AND TO IMPOSE CIVIL PENALTIES NOT TO EXCEED THE AMOUNTS SPECIFIED IN
19 SECTION FIVE HUNDRED NINETY-SIX-E OF THIS ARTICLE FOR EACH SUCH
20 VIOLATION. ALL PROCEEDINGS AUTHORIZED PURSUANT TO THIS SECTION SHALL BE
21 CONDUCTED IN ACCORDANCE WITH RULES PROMULGATED BY SUCH LICENSING AUTHOR-
22 ITY. THE PENALTIES PROVIDED FOR IN SECTION FIVE HUNDRED NINETY-SIX-E OF
23 THIS ARTICLE SHALL BE IN ADDITION TO ANY OTHER REMEDIES OR PENALTIES
24 PROVIDED FOR THE ENFORCEMENT OF SUCH PROVISIONS UNDER ANY OTHER LAW
25 INCLUDING, BUT NOT LIMITED TO, CIVIL OR CRIMINAL ACTIONS OR PROCEEDINGS.

26 (B) ALL SUCH PROCEEDINGS SHALL BE COMMENCED BY THE SERVICE OF A NOTICE
27 OF VIOLATION RETURNABLE TO THE LICENSING AUTHORITY. SUCH LICENSING
28 AUTHORITY SHALL PRESCRIBE THE FORM AND WORDING OF NOTICES OF VIOLATION.
29 THE NOTICE OF VIOLATION OR COPY THEREOF WHEN FILLED IN AND SERVED SHALL
30 CONSTITUTE NOTICE OF THE VIOLATION CHARGED, AND, IF SWORN TO OR
31 AFFIRMED, SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN.

32 S 3. This act shall take effect immediately.