

STATE OF NEW YORK

5815

2019-2020 Regular Sessions

IN SENATE

May 15, 2019

Introduced by Sens. KAPLAN, AKSHAR -- read twice and ordered printed,
and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to regulatory fines for
small businesses

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

1 Section 1. The executive law is amended by adding a new section 170-c
2 to read as follows:

3 § 170-c. Regulatory fines for small businesses. 1. Notwithstanding
4 any other law, rule or regulation to the contrary, upon an initial
5 violation of a state agency's rules or regulations, a small business
6 shall be afforded a cure period or other opportunity for ameliorative
7 action, the successful completion of which will prevent the imposition
8 of penalties on the party or parties subject to enforcement, unless the
9 agency determines that the violation directly affected public health or
10 safety, violated human or civil rights law, or is a penal law violation.
11 The cure period shall not interfere with the resolution of harassment or
12 discrimination claims. Upon such first violation, a state agency shall
13 (a) provide the small business with a copy of any applicable small busi-
14 ness regulation guides pursuant to section one hundred two-a of the
15 state administrative procedure act and any other helpful compliance
16 information detailing the agency's rules and regulations, or (b) hold an
17 in-person meeting with the small business to help assist such small
18 business with compliance with the agency's rules and regulations. The
19 agency shall have the discretion to determine the appropriate period of
20 time to allow for such ameliorative action to occur, provided such peri-
21 od is not less than ninety days.

22 2. "Small business" as used in this section shall mean a business
23 which is resident in this state, independently owned and operated, not
24 dominant in its field and employs one hundred or less persons.

25 § 2. This act shall take effect immediately.

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

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