

# STATE OF NEW YORK

6255

2021-2022 Regular Sessions

## IN ASSEMBLY

March 11, 2021

Introduced by M. of A. RICHARDSON -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend chapter 108 of the laws of 2020, amending the public service law relating to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies, in relation to making such provisions permanent; to amend the public service law, the public authorities law and the general business law, in relation to issuing a moratorium on utility termination of services; and to repeal certain provisions of the public service law relating thereto

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

1 Section 1. Section 5 of chapter 108 of the laws of 2020, amending the  
2 public service law relating to issuing a moratorium on utility termi-  
3 nation of services during periods of pandemics and/or state of emergen-  
4 cies, as amended by section 2 of part B of chapter 126 of the laws of  
5 2020, is amended to read as follows:

6 § 5. This act shall take effect immediately [~~and shall expire March~~  
7 ~~31, 2021 when upon such date the provisions of this act shall be deemed~~  
8 ~~repealed~~].

9 § 2. Subdivisions 6, 7, 8 and 9 of section 32 of the public service  
10 law, subdivision 6 as amended and subdivisions 7, 8 and 9 as added by  
11 chapter 108 of the laws of 2020, are amended to read as follows:

12 6. No utility corporation or municipality shall terminate or discon-  
13 nect services to any residential customer or a small business customer  
14 with twenty-five or fewer employees that is not a (i) publicly held  
15 company, or a subsidiary thereof, (ii) seasonal, short-term, or tempo-  
16 rary customer, (iii) high energy customer as defined by the commission,  
17 or (iv) customer that the utility can demonstrate has the resources to  
18 pay the bill, provided that the utility notifies the small business  
19 customer of its reasons and of the customer's right to contest this

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

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1 determination through the commission's complaint procedures, for the  
2 non-payment of an overdue charge for the duration of [~~the~~] a state  
3 disaster emergency declared pursuant to section twenty-eight of the  
4 executive [~~order two hundred two of two thousand twenty (herein after~~  
5 ~~"the COVID-19 state of emergency")~~] law issued in response to a state,  
6 national, or global event that is deemed to have a significant negative  
7 and long-term impact on the state's economic future, and not due to a  
8 short-term weather-related disaster emergency.

9 Utility corporations and municipalities shall have a duty to restore  
10 service, to the extent not already required under this chapter, to any  
11 residential customer within forty-eight hours if such service has been  
12 terminated for non-payment during the pendency of the [~~COVID-19~~] state  
13 [~~of~~] disaster emergency.

14 7. [~~For a period of one hundred eighty days after the COVID-19 state~~  
15 ~~of emergency is lifted or expires, no~~] No utility corporation or muni-  
16 cipality shall terminate or disconnect the service of a residential or  
17 small business customer because of defaulted deferred payment agreements  
18 or arrears owed to the utility corporation or municipality when such  
19 customer has experienced a change in financial circumstances as defined  
20 by the department due to [~~the COVID-19~~] a state [~~of~~] disaster emergen-  
21 cy[~~, as defined by the department~~] as set forth in subdivision six of  
22 this section. The utility corporation or municipality shall provide such  
23 residential or small business customer with the right to enter into, or  
24 restructure, a deferred payment agreement without the requirement of a  
25 down payment, late fees, or penalties, as such is provided for in this  
26 article with such prohibition on down payments, late fees, or penalties  
27 applicable to all arrears incurred during the duration of the state  
28 disaster emergency.

29 8. Every utility corporation or municipality shall provide notice to  
30 residential and small business customers, in a writing to be included  
31 with a bill statement or, when appropriate, via electronic transmission  
32 the provisions of this section and shall further make reasonable efforts  
33 to contact customers who have demonstrated a change in financial circum-  
34 stances due to [~~the COVID-19~~] a state [~~of~~] disaster emergency as set  
35 forth in subdivision six of this section for the purpose of offering  
36 such customers a deferred payment agreement consistent with the  
37 provisions of this article.

38 9. Implementation of the provisions of this section shall not prohibit  
39 a utility or municipality from recovering lost or deferred revenues  
40 after the lifting or expiration of [~~the COVID-19~~] a state [~~of~~] disaster  
41 emergency as set forth in subdivision six of this section, pursuant to  
42 such means for recovery as are provided for in this chapter, and by  
43 means not inconsistent with any of the provisions of this article. Noth-  
44 ing in this section shall prohibit a utility corporation or municipality  
45 from disconnecting service necessary to protect the health and safety of  
46 customers and the public.

47 § 3. Subdivision 6 of section 32 of the public service law, as added  
48 by chapter 686 of the laws of 2002, is REPEALED.

49 § 4. Subdivisions 9, 10 and 11 of section 89-b of the public service  
50 law, as added by chapter 108 of the laws of 2020, are amended to read as  
51 follows:

52 9. [~~For a period of one hundred eighty days after the COVID-19 state~~  
53 ~~of emergency is lifted or expires, no~~] No water-works corporation shall  
54 terminate or disconnect the service of a residential customer account or  
55 the account of a small business customer with twenty-five or fewer  
56 employees that is not a (i) publicly held company, or a subsidiary ther-

1 eof, (ii) seasonal, short-term, or temporary customer, (iii) high usage  
2 customer as defined by the commission, or (iv) customer that the utility  
3 can demonstrate has the resources to pay the bill, provided that the  
4 utility notifies the small business customer of its reasons and of the  
5 customer's right to contest this determination through the commission's  
6 complaint procedures, because of defaulted deferred payment agreements  
7 or arrears owed to the water-works corporation when such customer has  
8 experienced a change in financial circumstances, as defined by the  
9 department, due to [~~the COVID-19~~] a state [~~of~~] disaster emergency[~~, as~~  
10 ~~defined by the department~~] declared pursuant to section twenty-eight of  
11 the executive law issued in response to a state, national, or global  
12 event that is deemed to result in a significant negative and long-term  
13 impact on the state's economic future, and not due to a short-term  
14 weather-related disaster emergency. The water-works corporation shall  
15 provide such residential or small business customer with the right to  
16 enter into, or restructure, a deferred payment agreement without the  
17 requirement of a down payment, late fees, or penalties, as such is  
18 provided for in article two of this chapter with such prohibition on  
19 down payments, late fees, or penalties applicable to all arrears  
20 incurred during the duration of the state disaster emergency.

21 10. Every water-works corporation or small business shall provide  
22 notice to residential customers, in a writing to be included with a bill  
23 statement or, when appropriate, via electronic transmission, the  
24 provisions of this section and shall further make reasonable efforts to  
25 contact customers who have demonstrated a change in financial circum-  
26 stances due to [~~the COVID-19~~] a state [~~of~~] disaster emergency as set  
27 forth in subdivision nine of this section for the purpose of offering  
28 such customers a deferred payment agreement consistent with the  
29 provisions of this section and article two of this chapter.

30 11. Implementation of the provisions of this section shall not prohib-  
31 it a water-works corporation from recovering lost or deferred revenues  
32 after the lifting or expiration of the [~~COVID-19~~] state [~~of~~] disaster  
33 emergency as set forth in subdivision nine of this section, pursuant to  
34 such means for recovery as are provided for in this chapter, and by  
35 means not inconsistent with any of the provisions of this article. Noth-  
36 ing in this section shall prohibit a water-works corporation from  
37 disconnecting service when it is necessary to protect the health and  
38 safety of customers and the public.

39 § 5. Section 89-1 of the public service law, as added by chapter 715  
40 of the laws of 1931, subdivisions 3, 4, 5 and 6 as added by chapter 108  
41 of the laws of 2020, is amended to read as follows:

42 § 89-1. Municipal water systems. 1. For the purposes of this section,  
43 and for the purposes of any jurisdiction conferred by it upon the public  
44 service commission, a municipality is one which owns, maintains or oper-  
45 ates, or proposes to own, maintain or operate, a water system, or which  
46 sells, furnishes or distributes, or proposes to sell, furnish or  
47 distribute, water for domestic, commercial or public uses, whether  
48 provided by its own system or the system of a water-works corporation or  
49 another municipality. As so limited, the term "municipality" for the  
50 purposes of this section, means a city, town, village or public  
51 district; and a "public district," as here used, is a district or other  
52 territorial division, whether incorporated or not, whose affairs are  
53 managed by any officer or officers, person or persons, elected by voters  
54 or taxpayers or appointed by a public officer or officers, and includes,  
55 without excluding others, a water district, water supply district and a  
56 fire district. The other provisions of this chapter shall not apply to

1 such a municipality, nor to its said business of owning, maintaining or  
2 operating a water system or of selling, furnishing or distributing  
3 water, except such provisions as are applied by this section by express  
4 reference. The jurisdiction of the public service commission, with  
5 respect to such a municipality or its said business, is that, and only  
6 that, provided for in this section.

7 2. Each such municipality shall file with the public service commis-  
8 sion a copy of the annual report of its division, bureau or department  
9 of water.

10 3. No municipality shall terminate or discontinue residential service  
11 or service to a small business with twenty-five or fewer employees that  
12 is not a (i) publicly held company, or a subsidiary thereof, (ii)  
13 seasonal, short-term, or temporary customer, (iii) high usage customer  
14 as defined by the commission, or (iv) customer that the utility can  
15 demonstrate has the resources to pay the bill, provided that the utility  
16 notifies the small business customer of its reasons and of the custom-  
17 er's right to contest this determination through the commission's  
18 complaint procedures, for the nonpayment of bills, taxes, or fees for  
19 the duration of [~~the~~] a state disaster emergency declared pursuant to  
20 [~~executive order two hundred two of two thousand twenty (hereinafter the~~  
21 ~~"COVID-19 state of emergency"~~)] section twenty-eight of the executive  
22 law in response to a state, national, or global event that is deemed to  
23 result in a significant negative and long-term impact on the state's  
24 economic future, and not due to a short-term weather-related disaster  
25 emergency. Every municipality shall have a duty to restore service to  
26 any residential customer within forty-eight hours of the effective date  
27 of this subdivision if such service has been terminated for non-payment  
28 during the pendency of [~~the COVID-19~~] a state [~~of~~] disaster emergency.

29 4. [~~For a period of one hundred eighty days after the COVID-19 state~~  
30 ~~of emergency is lifted or expires, no~~] No municipality shall terminate  
31 or discontinue the service of a residential or small business customer  
32 because of bill arrears, taxes, or fees owed to the municipality when  
33 such customer has experienced a change in financial circumstances, as  
34 defined by the department, due to [~~the COVID-19~~] a state [~~of~~] disaster  
35 emergency[~~, as defined by the department~~] as set forth in subdivision  
36 three of this section. The municipality shall provide a residential or  
37 small business service customer that has experienced a change in finan-  
38 cial circumstances due to the [~~COVID-19~~] state [~~of~~] disaster emergency  
39 with the right to enter into, or restructure, a deferred payment agree-  
40 ment without the requirement of a down payment, late fees, or penalties,  
41 as such is provided for in article two of this chapter, with such prohi-  
42 bition on down payments, late fees, or penalties applicable to all  
43 arrears incurred during the duration of the state disaster emergency.

44 5. Every municipality shall provide notice to residential and small  
45 business customers in a writing to be included with a bill statement or,  
46 when appropriate, via electronic transmission the provisions of this  
47 section and shall further make reasonable efforts to contact customers  
48 who have demonstrated a change in financial circumstances due to the  
49 [~~COVID-19~~] state [~~of~~] disaster emergency as set forth in subdivision  
50 three of this section for the purpose of offering such customers a  
51 deferred payment agreement consistent with the provisions of this  
52 section and article two of this chapter.

53 6. Implementation of the provisions of this section shall not prohibit  
54 a municipality from recovering lost or deferred revenues after the lift-  
55 ing or expiry of [~~the COVID-19~~] a state [~~of~~] disaster emergency,  
56 provided that such means are not inconsistent with the provisions of

1 this article. Nothing in this section shall prohibit a municipality from  
2 disconnecting service when it is necessary to protect the health and  
3 safety of customers and the public.

4 7. Notwithstanding the provisions of subdivision one of this section,  
5 for the purposes of subdivisions three, four, five and six of this  
6 section, a "municipality" shall also include a public water authority  
7 established pursuant to article five of the public authorities law.  
8 Every municipality shall be subject to the jurisdiction of the commis-  
9 sion for the purposes of enforcing the provisions of subdivisions three,  
10 four, five and six of this section pursuant to sections twenty-four,  
11 twenty-five and twenty-six of this chapter.

12 § 6. Subdivisions 9, 10, 11 and 12 of section 91 of the public service  
13 law, subdivisions 9, 10 and 12 as amended by section 1 of part B of  
14 chapter 126 of the laws of 2020, subdivision 11 as added by chapter 108  
15 of the laws of 2020, are amended to read as follows:

16 9. No telephone corporation shall terminate or disconnect any services  
17 provided by its infrastructure to a residential service customer or a  
18 small business customer with twenty-five or fewer employees that is not  
19 a (i) publicly held company, or a subsidiary thereof, (ii) seasonal,  
20 short-term, or temporary customer, (iii) high usage customer as defined  
21 by the commission, or (iv) customer that the utility can demonstrate  
22 has the resources to pay the bill, provided that the utility notifies  
23 the small business customer of its reasons and of the customer's right  
24 to contest this determination through the commission's complaint proce-  
25 dures, for the non-payment of an overdue charge for the duration of  
26 [~~the~~] a state disaster emergency declared pursuant to section twenty-  
27 eight of the executive [~~order two hundred two of two thousand twenty~~  
28 (hereinafter "the COVID-19 state of emergency")] law in response to a  
29 state, national or global event that is deemed to result in a signif-  
30 icant negative and long-term impact on the state's economic future, and  
31 not due to a short-term weather-related disaster emergency. Telephone  
32 corporations shall have a duty to restore service, to the extent not  
33 already required under this chapter, at the request of any residential  
34 or small business customer within forty-eight hours if such service has  
35 been terminated during the pendency of the [~~COVID-19~~] state [~~of~~] disas-  
36 ter emergency and disconnection of such service was due to non-payment  
37 of an overdue charge.

38 10. [~~For a period of one hundred eighty days after the COVID-19 state~~  
39 ~~of emergency is lifted or expires, no~~] No telephone corporation shall  
40 terminate or disconnect [~~the service~~] any services provided by its  
41 infrastructure of a residential or small business customer account  
42 because of defaulted deferred payment agreements or arrears then owed to  
43 the telephone corporation when such customer has experienced a change in  
44 financial circumstances as defined by the department, due to [~~the~~  
45 ~~COVID-19~~] a state [~~of~~] disaster emergency[~~, as defined by the depart-~~  
46 ~~ment]~~ as set forth in subdivision nine of this section. The telephone  
47 corporation shall provide such residential or small business customer  
48 with the right to enter into, or restructure, a deferred payment agree-  
49 ment without the requirement of a down payment, late fees, or penalties,  
50 with such prohibition on down payments, late fees, or penalties applica-  
51 ble to all arrears incurred during the duration of the state disaster  
52 emergency.

53 11. Every telephone corporation shall provide notice to residential  
54 customers, and to those small business customers set forth in subdivi-  
55 sion nine of this section, in a writing to be included with a bill  
56 statement or, when appropriate, via electronic transmission the

1 provisions of this section and shall further make reasonable efforts to  
2 contact customers who have demonstrated a change in financial circum-  
3 stances due to [~~the COVID-19~~] a state [~~of~~] disaster emergency as set  
4 forth in subdivision nine of this section for the purpose of offering  
5 such customers a deferred payment agreement consistent with the  
6 provisions of this section and article two of this chapter.

7 12. Implementation of the provisions of this section shall not prohib-  
8 it a telephone corporation from recovering lost or deferred revenues  
9 after the lifting or expiration of [~~the COVID-19~~] a state [~~of~~] disaster  
10 emergency as set forth in subdivision nine of this section, pursuant to  
11 such means for recovery as are provided for in this chapter, and by  
12 means not inconsistent with any of the provisions of this article. Noth-  
13 ing in this section shall prohibit a telephone corporation from discon-  
14 necting service at the request of a customer. Nothing in this section  
15 shall prohibit a telephone corporation from disconnecting service when  
16 it is necessary to protect the health and safety of customers and the  
17 public.

18 § 7. Section 216 of the public service law is amended by adding five  
19 new subdivisions 6, 7, 8, 9 and 10 to read as follows:

20 6. No cable television company shall terminate or disconnect services  
21 provided over their infrastructure to a residential service customer or  
22 a small business customer with twenty-five or fewer employees that is  
23 not a (i) publicly held company, or a subsidiary thereof, (ii) seasonal,  
24 short-term, or temporary customer, or (iii) customer that the cable  
25 television company can demonstrate has the resources to pay the bill,  
26 provided that the cable television company notifies the small business  
27 customer of its reasons and of the customer's right to contest this  
28 determination through the commission's complaint procedures, for the  
29 non-payment of an overdue charge for the duration of a state disaster  
30 emergency declared pursuant to an executive order issued in response to  
31 a state, national, or global event that is deemed to result in a signif-  
32 icant negative and long-term impact on the state's economic future, and  
33 not due to a short-term weather-related disaster emergency. Cable tele-  
34 vision companies shall have a duty to restore service, to the extent not  
35 already required under this chapter, at the request of any residential  
36 or small business customer within forty-eight hours if such service has  
37 been terminated during the pendency of the state disaster emergency and  
38 disconnection of such service was due to non-payment of an overdue  
39 charge.

40 7. No cable television company shall terminate or disconnect services  
41 provided over their infrastructure of a residential or small business  
42 customer account because of defaulted deferred payment agreements or  
43 arrears then owed to the cable television company when such customer has  
44 experienced a change in financial circumstances, as defined by the  
45 department, due to a state disaster emergency as set forth in subdivi-  
46 sion six of this section. The cable television company shall provide  
47 such residential or small business customer with the right to enter  
48 into, or restructure, a deferred payment agreement without the require-  
49 ment of a down payment, late fees, or penalties, with such prohibition  
50 on down payments, late fees, or penalties applicable to all arrears  
51 incurred during the duration of the state disaster emergency.

52 8. Every cable television company shall provide notice to residential  
53 or small business customers in a writing to be included with a bill  
54 statement or, when appropriate, via electronic transmission the  
55 provisions of this section and shall further make reasonable efforts to  
56 contact customers who have demonstrated a change in financial circum-

1 stances due to a state disaster emergency as set forth in subdivision  
2 six of this section for the purpose of offering such customers a  
3 deferred payment agreement consistent with the provisions of this  
4 section and article two of this chapter.

5 9. Implementation of the provisions of this section shall not prohibit  
6 a cable television company from recovering lost or deferred revenues  
7 after the lifting or expiration of a state disaster emergency as set  
8 forth in subdivision six of this section, pursuant to such means for  
9 recovery as are provided for in this chapter, and by means not incon-  
10 sistent with any of the provisions of this article. Nothing in this  
11 section shall prohibit a cable television company from disconnecting  
12 service at the request of a customer. Nothing in this section shall  
13 prohibit a cable television company from disconnecting service when it  
14 is necessary to protect the health and safety of customers and the  
15 public.

16 10. Every cable television company shall be subject to the jurisdic-  
17 tion of the commission for the purposes of enforcing the provisions of  
18 subdivisions six, seven, eight and nine of this section pursuant to  
19 sections twenty-four, twenty-five and twenty-six of this chapter, and  
20 any other applicable provision of this chapter.

21 § 8. Subdivision 1 of section 1020-s of the public authorities law, as  
22 amended by chapter 415 of the laws of 2017, is amended to read as  
23 follows:

24 1. The rates, services and practices relating to the electricity  
25 generated by facilities owned or operated by the authority shall not be  
26 subject to the provisions of the public service law or to regulation by,  
27 or the jurisdiction of, the public service commission, except to the  
28 extent (a) article seven of the public service law applies to the siting  
29 and operation of a major utility transmission facility as defined there-  
30 in, (b) article ten of such law applies to the siting of a generating  
31 facility as defined therein, (c) section eighteen-a of such law provides  
32 for assessment for certain costs, property or operations, (d) to the  
33 extent that the department of public service reviews and makes recommen-  
34 dations with respect to the operations and provision of services of, and  
35 rates and budgets established by, the authority pursuant to section  
36 three-b of such law, [and] (e) that section seventy-four of the public  
37 service law applies to qualified energy storage systems within the  
38 authority's jurisdiction, and (f) subdivisions six, seven, eight, nine  
39 and ten of section thirty-two of the public service law.

40 § 9. The general business law is amended by adding a new section 399-  
41 zzzzz, to read as follows:

42 § 399-zzzzz. Prohibition of certain broadband terminations or discon-  
43 nections. 1. For the purposes of this section, the term "broadband  
44 service" shall mean a mass-market retail service that provides the capa-  
45 bility to transmit data to and receive data from all or substantially  
46 all internet endpoints, including any capabilities that are incidental  
47 to and enable the operation of the communications service, and shall  
48 include service provided by commercial mobile telephone service provid-  
49 ers, but shall not include dial-up service.

50 2. No person, business, corporation, or their agents providing or  
51 seeking to provide broadband service in New York state shall terminate  
52 or disconnect services provided over their infrastructure to a residen-  
53 tial service customer or a small business customer with twenty-five or  
54 fewer employees that is not a (i) publicly held company, or a subsidiary  
55 thereof, (ii) seasonal, short-term, or temporary customer, or (iii)  
56 customer that the broadband service provider can demonstrate has the

1 resources to pay the bill, provided that the broadband service provider  
2 notifies the small business customer of its reasons and of the custom-  
3 er's right to contest this determination through the commission's  
4 complaint procedures, for the non-payment of an overdue charge for the  
5 duration of a state disaster emergency declared pursuant to section  
6 twenty-eight of the executive law in response to a state, national, or  
7 global event that is deemed to result in a significant negative and  
8 long-term impact on the state's economic future, and not due to a short-  
9 term weather-related disaster emergency. Such persons or entities shall  
10 have a duty to restore service, to the extent not already required, at  
11 the request of any residential or small business customer within forty-  
12 eight hours if such service has been terminated during the pendency of  
13 the state disaster emergency and disconnection of such service was due  
14 to non-payment of an overdue charge.

15 3. No person, business, corporation, or their agents providing or  
16 seeking to provide broadband service in New York state shall terminate  
17 or disconnect services provided over their infrastructure to a residen-  
18 tial or small business customer account because of defaulted deferred  
19 payment agreements or arrears then owed to such persons or entities when  
20 such customer has experienced a change in financial circumstances due to  
21 a state disaster emergency as set forth in subdivision two of this  
22 section. The person, business, corporation, or their agents providing or  
23 seeking to provide broadband service in New York state shall provide  
24 such residential or small business customer with the right to enter  
25 into, or restructure, a deferred payment agreement consistent with the  
26 provisions of article two of the public service law without the require-  
27 ment of a down payment, late fees, or penalties, with such prohibition  
28 on down payments, late fees, or penalties applicable to all arrears  
29 incurred during the duration of the state disaster emergency.

30 4. Every person, business, corporation, or their agents providing or  
31 seeking to provide broadband service in New York state shall provide  
32 notice to residential or small business customers in a writing to be  
33 included with a bill statement or, when appropriate, via electronic  
34 transmission the provisions of this section and shall further make  
35 reasonable efforts to contact customers who have demonstrated a change  
36 in financial circumstances due to a state disaster emergency as set  
37 forth in subdivision two of this section for the purpose of offering  
38 such customers a deferred payment agreement consistent with the  
39 provisions of article two of the public service law.

40 5. Implementation of the provisions of this section shall not prohibit  
41 a person, business, corporation, or their agents providing or seeking to  
42 provide broadband service in New York state from recovering lost or  
43 deferred revenues after the lifting or expiration of a state disaster  
44 emergency as set forth in subdivision two of this section, pursuant to  
45 such means for recovery by means not inconsistent with any of the  
46 provisions of this section. Nothing in this section shall prohibit a  
47 person, business, corporation, or their agents providing or seeking to  
48 provide broadband service in New York state from disconnecting service  
49 at the request of a customer. Nothing in this section shall prohibit a  
50 person, business, corporation, or their agents providing or seeking to  
51 provide broadband service in New York state from disconnecting service  
52 when it is necessary to protect the health and safety of customers and  
53 the public.

54 6. Whenever there shall be a violation of this section, an application  
55 may be made by the attorney general in the name of the people of the  
56 state of New York to a court or justice having jurisdiction by a special

1 proceeding to issue an injunction, and upon notice to the defendant of  
2 not less than five days, to enjoin and restrain the continuance of such  
3 violation; and if it shall appear to the satisfaction of the court or  
4 justice that the defendant has, in fact, violated this section, an  
5 injunction may be issued by the court or justice, enjoining and  
6 restraining any further violations, without requiring proof that any  
7 person has, in fact, been injured or damaged thereby. In any such  
8 proceeding, the court may make allowances to the attorney general as  
9 provided in paragraph six of subdivision (a) of section eighty-three  
10 hundred three of the civil practice law and rules, and direct restitu-  
11 tion. Whenever the court shall determine that a violation of this  
12 section has occurred, the court may impose a civil penalty of not more  
13 than one thousand dollars per violation. In connection with any such  
14 proposed application, the attorney general is authorized to take proof  
15 and make a determination of the relevant facts and to issue subpoenas in  
16 accordance with the civil practice law and rules.

17 § 10. This act shall take effect immediately; provided, however, that  
18 this act shall be applicable to relevant executive orders issued on or  
19 after the effective date of this act.