

STATE OF NEW YORK

7822

2023-2024 Regular Sessions

IN ASSEMBLY

June 15, 2023

Introduced by M. of A. SEAWRIGHT -- read once and referred to the
Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to certain decep-
tive acts and practices

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

1 Section 1. Subdivision (h) of section 349 of the general business law,
2 as amended by chapter 157 of the laws of 1984, is amended and a new
3 subdivision (i) is added to read as follows:

4 (h) In addition to the right of action granted to the attorney general
5 pursuant to this section, any person who has been injured by reason of
6 any violation of this section may bring an action in his or her own name
7 to enjoin such unlawful act or practice, an action to recover his or her
8 actual damages or fifty dollars, whichever is greater, or both such
9 actions. The court shall have exclusive jurisdiction over such a claim.
10 The court may, in its discretion, increase the award of damages to an
11 amount not to exceed three times the actual damages up to one thousand
12 dollars, if the court finds the defendant willfully or knowingly
13 violated this section. The court may award reasonable attorney's fees to
14 a prevailing plaintiff.

15 (i) In connection with any claim under this section against a distrib-
16 ution utility providing gas, electric or steam services to the public,
17 the court shall have exclusive jurisdiction over such claim without
18 regard to any defenses alleged, nor shall any defense alleged preclude
19 the court from adjudicating the merits of any claims brought under this
20 section.

21 § 2. Section 350 of the general business law, as added by chapter 813
22 of the laws of 1963, is amended to read as follows:

23 § 350. False advertising unlawful. False advertising in the conduct of
24 any business, trade or commerce or in the furnishing of any service in
25 this state is hereby declared unlawful. In connection with any claim

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

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1 under this section the court shall have exclusive jurisdiction over such
2 a claim.

3 § 3. This act shall take effect immediately and shall apply to any
4 such claim brought on or after January 1, 2021.