

11373

I N A S S E M B L Y

June 7, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Jaffee) --
read once and referred to the Committee on Economic Development, Job
Creation, Commerce and Industry

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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
24 TO "BLACK FRIDAY," "DOORBUSTER," AND "FIRST COME FIRST SERVED," OR THE
25 SALE IS ADVERTISED TO START EARLIER THAN THE RETAILER'S NORMAL BUSINESS
26 HOURS; AND

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

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

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

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

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

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

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

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

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

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

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

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

28 C. THE EXACT ADDRESS OF THE PLACE AT WHICH SUCH SALE IS TO BE
29 CONDUCTED AND THE LENGTH OF TIME THE APPLICANT HAS BEEN ENGAGED IN BUSI-
30 NESS AT SUCH LOCATION.

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

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

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

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

40 H. A DETAILED PLAN FOR CROWD CONTROL THAT IS DESIGNED TO ENSURE ORDER-
41 LY AND SAFE ENTRANCE INTO THE STORE, INCLUDING THE FOLLOWING INFORMA-
42 TION:

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

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

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

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

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

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

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

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

2. THE RETAILER SHALL DEVELOP AND INSTITUTE STORE POLICIES AND PROCEDURES WHICH ARE DESIGNED TO PROMOTE THE FAIR AND ORDERLY SALE OF PRODUCTS WHICH ARE BEING OFFERED AT A REDUCED SALE PRICE INCLUDING BUT NOT LIMITED TO:

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

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

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

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

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

2. ANY PERSON VIOLATING THIS SUBCHAPTER SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN FIVE THOUSAND DOLLARS. A PROCEEDING TO RECOVER ANY CIVIL PENALTY PURSUANT TO THIS SUBCHAPTER SHALL BE COMMENCED BY THE SERVICE OF A NOTICE OF HEARING THAT SHALL BE RETURNABLE TO THE ADMINISTRATIVE TRIBUNAL OF THE DEPARTMENT. ANY SUBSEQUENT VIOLATIONS SHALL BE PUNISHABLE BY A FINE OF TEN THOUSAND DOLLARS.

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

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

S 2. The general business law is amended by adding a new article 29-FF 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.

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

(III) 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.

1 (IV) THE DATE AND TIME SUCH SALE IS TO BEGIN AND THE DURATION OF SUCH
2 SALE.

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

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

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

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

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

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

16 (C) THE NUMBER OF PERSONNEL ASSIGNED TO MANAGE THE ENTRANCES TO THE
17 STORE; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 S 3. This act shall take effect immediately.