S T A T E O F N E W Y O R K

2500

2009-2010 Regular Sessions

I N A S S E M B L Y

January 16, 2009

Introduced by M. of A. PRETLOW, HOOPER, AUBRY, GALEF -- Multi-Sponsored by -- M. of A. BRENNAN, SEMINERIO, WEINSTEIN -- read once and referred to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to money deposited as security in certain cases and enforcement of trust provisions by attorney general

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

Section 1. Section 7-109 of the general obligations law, as added by chapter 341 of the laws of 1973 and renumbered by chapter 917 of the laws of 1984, is amended to read as follows:

S 7-109. Commencement of a proceeding or action by the attorney general to compel compliance. If it appears to the attorney general that any person, association, or corporation has violated or is violating any of the provisions of THIS title [one of this article], an action or proceeding may be instituted by the attorney general in the name of the people of the state of New York to compel compliance with such provisions and enjoin any violation or threatened violation thereof.

IN CONNECTION WITH THE INSTITUTION OF ANY SUCH ACTION OR PROCEEDING, THE ATTORNEY GENERAL IS AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE RELEVANT FACTS AND TO ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES.

IF IN SUCH ACTION OR PROCEEDING, THE COURT FINDS THAT A RESPONDENT HAS COMMITTED SUCH VIOLATION THE COURT IN ITS DISCRETION MAY AWARD TO THE ATTORNEY GENERAL A SUM NOT EXCEEDING TWO THOUSAND DOLLARS WITH RESPECT TO EACH SUCH RESPONDENT AS COSTS OF INVESTIGATION.

S 2. This act shall take effect immediately and shall apply only to actions or proceedings commenced on or after its effective date.

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

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