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

7587

2009-2010 Regular Sessions

I N A S S E M B L Y

April 16, 2009

Introduced by M. of A. PERALTA -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the general business law, in relation to the fine imposed for certain violations relating to employment agencies

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

Section 1. Section 190 of the general business law, as amended by chapter 632 of the laws of 1975, is amended to read as follows:

S 190. Penalties for violations. Any person who violates and the officers of a corporation and stockholders holding ten percent or more of the stock of a corporation which is not publicly traded, who knowingly permit the corporation to violate [sections one hundred seventy-two, one hundred seventy-three, one hundred seventy-six, one hundred eighty-four, one hundred eighty-four-a, one hundred eighty-five, one hundred eighty-five-a, one hundred eighty-six, or one hundred eighty-seven] ANY PROVISION of this article [shall be guilty of a misdemeanor and upon conviction] shall be subject to a fine [not to exceed one thousand] OF NOT MORE THAN FIVE HUNDRED dollars[, or imprisonment for not more than one year, or both, by any court of competent jurisdiction] FOR EACH DAY SUCH VIOLATION CONTINUES; PROVIDED, HOWEVER, THAT ANY SUCH PERSON OR OFFICER WHO HAS BEEN CONVICTED OF THREE OR MORE VIOLATIONS OF THIS ARTICLE WITHIN ANY PERIOD OF FIVE YEARS, SHALL BE GUILTY OF A CLASS A MISDEMEANOR. [The violation of any other provision of this article shall be punishable by a fine not to exceed one hundred dollars or imprisonment for not more than thirty days.] Criminal proceedings based upon violations of these sections shall be instituted by the commissioner and may be instituted by any persons aggrieved by such violations.

S 2. Section 193 of the general business law, as amended by chapter 617 of the laws of 1988, is amended to read as follows:

S 193. Penalties for violation. Any person violating the provisions of section one hundred ninety-two of this article [shall be guilty of a

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

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class A misdemeanor and] shall be subject to a fine [not to exceed one thousand] OF NOT MORE THAN FIVE HUNDRED dollars [or imprisonment for not more than one year or both] FOR EACH DAY SUCH VIOLATION CONTINUES; PROVIDED, HOWEVER, THAT ANY SUCH PERSON WHO HAS BEEN CONVICTED OF THREE OR MORE VIOLATIONS OF THIS ARTICLE WITHIN ANY PERIOD OF FIVE YEARS, SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

Criminal proceedings based upon violations may be instituted by the commissioner or may be instituted by any person aggrieved by such violation.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.