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

1024

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the executive law, in relation to prohibiting price differences for the same service based upon gender

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

Section 1. Subdivision 20 of section 296 of the executive law, as renumbered by chapter 204 of the laws of 1996, is renumbered subdivision 21 and a new subdivision 20 is added to read as follows:

20. (A) IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR ANY PERSON, FIRM OR CORPORATION TO CHARGE A DIFFERENT FEE OR PRICE FOR THE SAME SERVICE BASED SOLELY UPON THE GENDER OF THE RECIPIENT. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO PROHIBIT A DIFFERENT PRICE OR FEE FOR SIMILAR SERVICES FOR MEN AND WOMEN IF THE SERVICE IS MORE DIFFICULT OR MORE COSTLY. THIS SUBDIVISION APPLIES ONLY TO SERVICES AND DOES NOT INCLUDE PRODUCTS.

(B) ANY PERSON, FIRM OR CORPORATION FOUND TO HAVE VIOLATED THE PROVISIONS OF THIS SUBDIVISION SHALL PAY A FINE OF ONE THOUSAND DOLLARS OR AN AMOUNT UP TO THREE TIMES THE ACTUAL DAMAGES AND LEGAL FEES, WHICHEVER IS GREATER.

S 2. This act shall take effect immediately.

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

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