

4187

2009-2010 Regular Sessions

I N S E N A T E

April 15, 2009

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the state administrative procedure act, in relation to providing for installment payment programs for small businesses

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

1 Section 1. The state administrative procedure act is amended by adding
2 a new section 208 to read as follows:
3 S 208. INSTALLMENT PAYMENT OF CIVIL PENALTIES. NOTWITHSTANDING ANY
4 OTHER PROVISION OF LAW TO THE CONTRARY, EACH STATE AGENCY SHALL ESTAB-
5 LISH AN INSTALLMENT PAYMENT PROGRAM FOR THE PAYMENT OF CIVIL PENALTIES
6 BY SMALL BUSINESSES, AND INFORM ELIGIBLE SMALL BUSINESSES OF SUCH
7 PROGRAM WHEN PROVIDING NOTICE OF THE IMPOSITION OF A CIVIL PENALTY. EACH
8 STATE AGENCY SHALL DETERMINE, IN ITS DISCRETION, THE RULES AND REQUIRE-
9 MENTS GOVERNING SUCH PROGRAM. SUCH INSTALLMENT PAYMENT PROGRAMS SHALL
10 NOT APPLY TO CIVIL PENALTIES ADMINISTERED BY THE COMMISSIONER OF TAXA-
11 TION AND FINANCE OR TO FINES FOR TRAFFIC INFRACTIONS OR PARKING
12 VIOLATIONS.
13 S 2. This act shall take effect on the one hundred eightieth day after
14 it shall have become a law, provided, however, every agency which must
15 comply with this act is immediately authorized to take any and all
16 actions that are necessary for the implementation of this act, including
17 but not limited to the promulgation of implementing regulations prior to
18 such effective date.

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

LBD10890-01-9