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

9249

2009-2010 Regular Sessions

I N A S S E M B L Y

November 9, 2009

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

AN ACT to amend the general business law and the state finance law, in relation to the establishment of a board of licensing and regulations for the purpose of enforcing rules and regulations pertaining to sanitary conditions and procedures required to be maintained by appearance enhancement businesses and the creation of the board of licensing and regulations account

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

Section 1. The general business law is amended by adding a new section 402-a to read as follows:

S 402-A. BOARD OF LICENSING AND REGULATIONS. 1. THERE SHALL BE ESTABLISHED WITHIN THE DEPARTMENT A BOARD OF LICENSING AND REGULATIONS WHICH SHALL CONSIST OF SEVEN MEMBERS APPOINTED BY THE SECRETARY OF STATE. THE SECRETARY SHALL DESIGNATE FROM AMONG THE MEMBERS OF THE BOARD A CHAIRPERSON WHO SHALL SERVE AT THE PLEASURE OF THE SECRETARY.

2. THE BOARD SHALL OVERSEE THE ENFORCEMENT OF THIS ARTICLE AND ANY RULES AND REGULATIONS PROMULGATED BY THE SECRETARY PURSUANT TO THIS ARTICLE, PERTAINING TO THE SANITARY CONDITIONS AND PROCEDURES REQUIRED TO BE MAINTAINED BY APPEARANCE ENHANCEMENT BUSINESSES IN NEW YORK STATE.

3. (A) THE BOARD SHALL IMPOSE AND COLLECT FINES FROM APPEARANCE ENHANCEMENT BUSINESSES FOUND TO BE IN VIOLATION OF THIS ARTICLE OR FOUND TO BE IN VIOLATION OF RULES OR REGULATIONS PERTAINING TO SANITARY CONDITIONS AND PROCEDURES.

(B) THERE SHALL BE IMPOSED A FINE OF TWO HUNDRED FIFTY DOLLARS FOR THE FIRST OFFENSE; FIVE HUNDRED DOLLARS FOR A SECOND OFFENSE AND ONE THOUSAND DOLLARS FOR A THIRD OFFENSE OF ANY RULE OR REGULATION PERTAINING TO SANITARY CONDITIONS AND PROCEDURES. ANY ADDITIONAL VIOLATIONS SHALL RESULT IN THE LOSS OF THE APPEARANCE ENHANCEMENT BUSINESS LICENSE.

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

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4. THE BOARD ESTABLISHED PURSUANT TO THIS SECTION SHALL WORK IN CONJUNCTION WITH THE ADVISORY COMMITTEE ESTABLISHED BY SECTION FOUR HUNDRED THREE OF THIS ARTICLE.

5. ALL MONEYS DERIVED FROM THIS SECTION SHALL BE DEPOSITED TO THE CREDIT OF THE BOARD OF LICENSING AND REGULATIONS ACCOUNT ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-J OF THE STATE FINANCE LAW.

6. THE SECRETARY SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO EFFECTUATE THE PURPOSE OF THIS SECTION.

S 2. The state finance law is amended by adding a new section 97-j to read as follows:

S 97-J. BOARD OF LICENSING AND REGULATIONS ACCOUNT. 1. THERE IS HEREBY ESTABLISHED WITHIN THE MISCELLANEOUS SPECIAL REVENUE FUND IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE AN ACCOUNT TO BE KNOWN AS THE "BOARD OF LICENSING AND REGULATIONS ACCOUNT".

2. THE BOARD OF LICENSING AND REGULATIONS ACCOUNT SHALL CONSIST OF ALL MONIES COLLECTED BY THE DEPARTMENT OF STATE FROM FINES COLLECTED PURSUANT TO SECTION FOUR HUNDRED TWO-A OF THE GENERAL BUSINESS LAW.

3. MONIES WITHIN THE BOARD OF LICENSING AND REGULATIONS ACCOUNT SHALL BE AVAILABLE TO THE DEPARTMENT OF STATE FOR THE IMPLEMENTATION, OPERATION AND ENFORCEMENT OF SECTION FOUR HUNDRED TWO-A OF THE GENERAL BUSINESS LAW.

S 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.