

1351

2009-2010 Regular Sessions

I N   S E N A T E

January 28, 2009

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Introduced by Sen. DUANE -- read twice and ordered printed, and when  
printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to cash registers

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

1     Section 1. The general business law is amended by adding a new section  
2     399-i to read as follows:  
3     S 399-I. CASH REGISTERS. 1. ANY CASH REGISTER USED BY OR IN THE OPERA-  
4     TION OF A BUSINESS WHICH CUSTOMARILY DEALS WITH CONSUMERS, OTHER THAN A  
5     HOTEL, MOTEL, RETAIL LICENSED PREMISES FOR THE ON-PREMISES CONSUMPTION  
6     OF ALCOHOLIC BEVERAGES OR RESTAURANT WHERE A PRINTED AND ITEMIZED CHECK  
7     IS PROVIDED FOR THE CUSTOMER'S PERUSAL BEFORE PAYMENT, SHALL VISUALLY  
8     DISPLAY THE AMOUNT OF ANY SALE IN A MANNER READILY VISIBLE TO SUCH  
9     CONSUMER.  
10    2. WHENEVER THERE SHALL BE A VIOLATION OF THIS SECTION, AN APPLICATION  
11    MAY BE MADE BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE  
12    STATE OF NEW YORK TO A COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL  
13    PROCEEDING TO ISSUE AN INJUNCTION, AND UPON NOTICE TO THE RESPONDENT OF  
14    NOT LESS THAN FIVE DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH  
15    VIOLATIONS; AND IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR  
16    JUSTICE THAT THE RESPONDENT HAS, IN FACT, VIOLATED THIS SECTION, AN  
17    INJUNCTION MAY BE ISSUED BY SUCH COURT OR JUSTICE, ENJOINING AND  
18    RESTRAINING ANY FURTHER VIOLATION, WITHOUT REQUIRING PROOF THAT ANY  
19    PERSON HAS, IN FACT, BEEN INJURED OR DAMAGED THEREBY. WHENEVER THE COURT  
20    SHALL DETERMINE THAT A VIOLATION OF THIS SECTION HAS OCCURRED, THE COURT  
21    MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR  
22    EACH VIOLATION. IN CONNECTION WITH ANY SUCH APPLICATION, THE ATTORNEY  
23    GENERAL IS AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE  
24    RELEVANT FACTS AND TO ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRAC-  
25    TICE LAW AND RULES.

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

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1     S 2. This act shall take effect on the one hundred eightieth day after  
2     it shall have become a law and shall apply to all cash registers  
3     installed on or after such date; provided, however that all existing  
4     cash registers in violation of subdivision one of section 399-i of the  
5     general business law as added by section one of this act shall be  
6     replaced within five years from when this act shall have become a law.