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

1351

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

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:

Section 1. The general business law is amended by adding a new section 399-i to read as follows:

S 399-I. CASH REGISTERS. 1. ANY CASH REGISTER USED BY OR IN THE OPERATION OF A BUSINESS WHICH CUSTOMARILY DEALS WITH CONSUMERS, OTHER THAN A HOTEL, MOTEL, RETAIL LICENSED PREMISES FOR THE ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES OR RESTAURANT WHERE A PRINTED AND ITEMIZED CHECK IS PROVIDED FOR THE CUSTOMER'S PERUSAL BEFORE PAYMENT, SHALL VISUALLY DISPLAY THE AMOUNT OF ANY SALE IN A MANNER READILY VISIBLE TO SUCH CONSUMER.

2. WHENEVER THERE SHALL BE A VIOLATION OF THIS SECTION, AN APPLICATION MAY BE MADE BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO A COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL PROCEEDING TO ISSUE AN INJUNCTION, AND UPON NOTICE TO THE RESPONDENT OF NOT LESS THAN FIVE DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH VIOLATIONS; AND IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE RESPONDENT HAS, IN FACT, VIOLATED THIS SECTION, AN INJUNCTION MAY BE ISSUED BY SUCH COURT OR JUSTICE, ENJOINING AND RESTRAINING ANY FURTHER VIOLATION, WITHOUT REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN INJURED OR DAMAGED THEREBY. WHENEVER THE COURT SHALL DETERMINE THAT A VIOLATION OF THIS SECTION HAS OCCURRED, THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION. IN CONNECTION WITH ANY SUCH APPLICATION, THE ATTORNEY GENERAL IS AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE RELEVANT FACTS AND TO ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES.

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

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