

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

2068--A

2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

Introduced by Sens. HUNTLEY, ADAMS, DIAZ, ESPADA, FOLEY, KRUEGER, MONSERRATE, PARKER, SAMPSON, SAVINO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to licensing of home improvement contractors

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
2 773-a to read as follows:
3 S 773-A. LICENSING. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOME
4 IMPROVEMENT CONTRACTOR SHALL NOT CONDUCT BUSINESS AS DEFINED IN THIS
5 ARTICLE WITHOUT OBTAINING A LICENSE ISSUED BY THE MUNICIPALITY IN WHICH
6 THE BUSINESS IS TO BE CONDUCTED PURSUANT TO AN ORDINANCE OR LOCAL LAW
7 ADOPTED BY SAID MUNICIPALITY PROVIDED THE GOVERNING BOARD OF SUCH MUNI-
8 CIPALITY, AFTER PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOL-
9 UTION PROVIDING THEREFOR. UPON A VIOLATION OF THIS SECTION THE MUNICI-
10 PALITY MAY MAKE AN APPLICATION TO A COURT OR JUSTICE TO ENJOIN AND
11 RESTRAIN THE CONTINUANCE OF THE VIOLATION. IN ADDITION THE COURT MAY
12 IMPOSE A CIVIL PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS AND THE
13 CONTRACTOR SHALL BE ENJOINED FROM CONDUCTING SAID BUSINESS FOR A PERIOD
14 NOT TO EXCEED ONE YEAR. THE SAME REMEDIES SHALL BE AVAILABLE AGAINST A
15 HOME IMPROVEMENT CONTRACTOR WHO DOES NOT COMPLETE WORK FOR WHICH PAYMENT
16 HAS BEEN MADE BY AN OWNER OR HAS COMPLETED WORK WHICH IS NOT TO THE
17 SATISFACTION OF THE OWNER IN THE COURT'S JUDGMENT.
18 S 2. This act shall take effect on the first of January next succeed-
19 ing the date on which it shall have become a law and all ordinances or
20 local laws necessary for the implementation of this act shall be enacted
21 by the following first of January.

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

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