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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. DIAZ -- 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 the fine imposed for certain violations relating to employment agencies

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

1 Section 1. Section 190 of the general business law, as amended by
2 chapter 632 of the laws of 1975, is amended to read as follows:
3 S 190. Penalties for violations. Any person who violates and the offi-
4 cers of a corporation and stockholders holding ten percent or more of
5 the stock of a corporation which is not publicly traded, who knowingly
6 permit the corporation to violate [sections one hundred seventy-two, one
7 hundred seventy-three, one hundred seventy-six, one hundred eighty-four,
8 one hundred eighty-four-a, one hundred eighty-five, one hundred eighty-
9 five-a, one hundred eighty-six, or one hundred eighty-seven] ANY
10 PROVISION of this article [shall be guilty of a misdemeanor and upon
11 conviction] shall be subject to a fine [not to exceed one thousand] OF
12 NOT MORE THAN FIVE HUNDRED dollars[, or imprisonment for not more than
13 one year, or both, by any court of competent jurisdiction] FOR EACH DAY
14 SUCH VIOLATION CONTINUES; PROVIDED, HOWEVER, THAT ANY SUCH PERSON OR
15 OFFICER WHO HAS BEEN CONVICTED OF THREE OR MORE VIOLATIONS OF THIS ARTI-
16 CLE WITHIN ANY PERIOD OF FIVE YEARS, SHALL BE GUILTY OF A CLASS A MISDE-
17 MEANOR. [The violation of any other provision of this article shall be
18 punishable by a fine not to exceed one hundred dollars or imprisonment
19 for not more than thirty days.] Criminal proceedings based upon
20 violations of these sections shall be instituted by the commissioner and
21 may be instituted by any persons aggrieved by such violations.
22 S 2. Section 193 of the general business law, as amended by chapter
23 617 of the laws of 1988, is amended to read as follows:

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

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1 S 193. Penalties for violation. Any person violating the provisions of
2 section one hundred ninety-two of this article [shall be guilty of a
3 class A misdemeanor and] shall be subject to a fine [not to exceed one
4 thousand] OF NOT MORE THAN FIVE HUNDRED dollars [or imprisonment for not
5 more than one year or both] FOR EACH DAY SUCH VIOLATION CONTINUES;
6 PROVIDED, HOWEVER, THAT ANY SUCH PERSON WHO HAS BEEN CONVICTED OF THREE
7 OR MORE VIOLATIONS OF THIS ARTICLE WITHIN ANY PERIOD OF FIVE YEARS,
8 SHALL BE GUILTY OF A CLASS A MISDEMEANOR.
9 Criminal proceedings based upon violations may be instituted by the
10 commissioner or may be instituted by any person aggrieved by such
11 violation.
12 S 3. This act shall take effect on the thirtieth day after it shall
13 have become a law.