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

1456

2011-2012 Regular Sessions

I N  A S S E M B L Y

January 10, 2011

Introduced by M. of A. ROSENTHAL, LANCMAN -- read once and referred to the Committee on Judiciary

AN ACT to amend the general business law, in relation to providing a private right of action for nail specialists aggrieved by their employer in the case of a health and safety violation, retaliatory action, or general labor issues

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 415-a to read as follows:

S 415-A. PRIVATE RIGHT OF ACTION. 1. A NAIL SPECIALIST AGGRIEVED BY A VIOLATION OF ARTICLE THREE OR ARTICLE NINE OF THE WORKERS' COMPENSATION LAW RELATED TO OCCUPATIONAL DISEASES AND DISABILITY BENEFITS, SECTION TWO HUNDRED OF THE LABOR LAW RELATED TO THE GENERAL DUTY TO PROTECT THE HEALTH AND SAFETY OF EMPLOYEES, TITLE ONE OF ARTICLE FIVE OF THE LABOR LAW RELATED TO THE GENERAL HOURS OF LABOR, OR ARTICLE TWENTY-C OF THE LABOR LAW RELATING TO RETALIATORY ACTION BY EMPLOYERS OR SECTION FOUR HUNDRED FOUR-A OF THIS ARTICLE OR ANY OTHER PROVISION OF THIS CHAPTER RELATED TO THE HEALTH AND SAFETY OF EMPLOYEES, OR ANY RULE OR REGULATION ADOPTED THERETO MAY FILE SUIT IN A COURT OF COMPETENT JURISDICTION IN THE STATE, IN THE COUNTY WHERE THE ALLEGED OFFENSE OCCURRED OR WHERE ANY NAIL SPECIALIST WHO IS PARTY TO THE ACTION RESIDES, AGAINST AN APPEARANCE ENHANCEMENT BUSINESS EMPLOYER OR A THIRD PARTY CLIENT. ACTIONS MAY BE BROUGHT BY ONE OR MORE NAIL SPECIALISTS FOR AND ON BEHALF OF THEMSELVES AND OTHER NAIL SPECIALISTS SIMILARLY SITUATED. A NAIL SPECIALIST WHOSE RIGHTS HAVE BEEN VIOLATED BY AN APPEARANCE ENHANCEMENT BUSINESS OR A THIRD PARTY CLIENT IS ENTITLED TO COLLECT:

A. IN THE CASE OF A HEALTH AND SAFETY OR NOTICE VIOLATION, COMPENSATORY DAMAGES AND AN AMOUNT UP TO FIVE HUNDRED DOLLARS FOR EACH VIOLATION;

B. IN THE CASE OF UNLAWFUL RETALIATION, ALL LEGAL OR EQUITABLE RELIEF AS MAY BE APPROPRIATE; AND

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

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C. IN ALL CASES, THE NAIL SPECIALISTS MUST BE AWARDED REASONABLE ATTORNEY'S FEES AND COURT COSTS.

2. THE RIGHT OF AN AGGRIEVED PERSON TO BRING AN ACTION UNDER THIS SECTION TERMINATES UPON THE PASSING OF SIX YEARS.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law, provided, however, that effective immediately the addition, amendment, and/or repeal of any rule or regulation necessary for the timely implementation of this act on its effective date is hereby authorized and directed to be made on or before such effective date.