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

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I N  A S S E M B L Y

May 27, 2014

Introduced by M. of A. MILLER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the administrative code of the city of New York and the executive law, in relation to issuing a warning to a small business prior to imposing a fine

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

Section 1. Section 20-104 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

H. PRIOR TO IMPOSING ANY FINE ON A SMALL BUSINESS, THE COMMISSIONER SHALL ISSUE TO SUCH SMALL BUSINESS A WARNING GIVING NOTICE OF THE PROVISION OR PROVISIONS SUCH SMALL BUSINESS HAS BEEN FOUND TO BE IN VIOLATION OF. SUCH SMALL BUSINESS SHALL HAVE THIRTY DAYS DURING WHICH TO COMPLY WITH SUCH PROVISION OR PROVISIONS, AFTER WHICH, IF SUCH SMALL BUSINESS IS STILL FOUND TO BE IN VIOLATION OF SUCH PROVISION OR PROVISIONS, THE COMMISSIONER SHALL IMPOSE A FINE.

FOR THE PURPOSES OF THIS SECTION, "SMALL BUSINESS" MEANS ANY BUSINESS WHICH IS RESIDENT IN THE CITY OF NEW YORK, INDEPENDENTLY OWNED AND OPERATED, AND EMPLOYS ONE HUNDRED OR LESS INDIVIDUALS.

S 2. Section 94-a of the executive law is amended by adding a new subdivision 6 to read as follows:

6. PRIOR WARNING NOTICE. PRIOR TO IMPOSING ANY FINE ON A SMALL BUSINESS, THE SECRETARY SHALL ISSUE TO SUCH SMALL BUSINESS A WARNING GIVING NOTICE OF THE PROVISION OR PROVISIONS SUCH SMALL BUSINESS HAS BEEN FOUND TO BE IN VIOLATION OF. SUCH SMALL BUSINESS SHALL HAVE THIRTY DAYS DURING WHICH TO COMPLY WITH SUCH PROVISION OR PROVISIONS, AFTER WHICH, IF SUCH SMALL BUSINESS IS STILL FOUND TO BE IN VIOLATION OF SUCH PROVISION OR PROVISIONS, THE SECRETARY SHALL IMPOSE A FINE.

FOR THE PURPOSES OF THIS SUBDIVISION, "SMALL BUSINESS" MEANS ANY BUSINESS WHICH IS RESIDENT IN THIS STATE, INDEPENDENTLY OWNED AND OPERATED, AND EMPLOYES ONE HUNDRED OR LESS INDIVIDUALS.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.

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

LBD14907-02-4