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

7829

I N S E N A T E

June 12, 2014

Introduced by Sen. LITTLE -- 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 prohibiting certain entities charging fees for performers' services from making certain false, misleading or deceptive representations

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 180 to read as follows:

S 180. PERFORMERS' SERVICES; UNLICENSED PERSONS. NO PERSON, WHO IS NOT LICENSED PURSUANT TO THIS ARTICLE AND WHO CHARGES OR IMPOSES A FEE TO PROVIDE PERFORMERS' SERVICES SUCH AS PROFESSIONAL TRAINING, CAREER COUNSELING, RESUME ASSISTANCE, ONLINE RESUME HOSTING OR OTHER SIMILAR SERVICES, SHALL MAKE ANY FALSE, MISLEADING OR DECEPTIVE ORAL OR WRITTEN REPRESENTATION THAT IT WILL SECURE FOR A PROSPECTIVE CLIENT A JOB AS A PERFORMER IN THE ENTERTAINMENT INDUSTRY IN EXCHANGE FOR SUCH FEE.

S 2. Section 190 of the general business law, as amended by chapter 632 of the laws of 1975, is amended to read as follows:

S 190. Penalties for violations. 1. Any person who violates and the officers of a corporation and stockholders holding ten percent or more of the stock of a corporation which is not publicly traded, who knowingly permit the corporation to violate sections one hundred seventy-two, one hundred seventy-three, one hundred seventy-six, ONE HUNDRED EIGHTY, one hundred eighty-four, one hundred eighty-four-a, one hundred eighty-five, one hundred eighty-five-a, one hundred eighty-six, or one hundred eighty-seven of this article shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed one thousand dollars, or imprisonment for not more than one year, or both, by any court of competent jurisdiction. The violation of any other provision of this article shall be punishable by a fine not to exceed one hundred dollars or imprisonment for not more than thirty days. Criminal proceedings based upon violations of these sections shall be instituted by the commissioner and may be instituted by any persons aggrieved by such violations.

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

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2. ANY INDIVIDUAL, WHO HAS BEEN INJURED BY REASON OF ANY VIOLATION OF SECTION ONE HUNDRED EIGHTY OF THIS ARTICLE, MAY BRING AN ACTION IN HIS OR HER OWN NAME TO RECOVER HIS OR HER ACTUAL DAMAGES. THE COURT MAY, IN ITS DISCRETION, INCREASE THE AWARD OF SUCH DAMAGES TO AN AMOUNT NOT TO EXCEED THREE TIMES THE PLAINTIFF'S ACTUAL DAMAGES, IF THE COURT FINDS THE DEFENDANT WILLFULLY OR KNOWINGLY VIOLATED THE PROVISIONS OF SECTION ONE HUNDRED EIGHTY OF THIS ARTICLE. IN ADDITION, THE COURT MAY AWARD REASONABLE ATTORNEY'S FEES TO A PREVAILING PLAINTIFF.

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