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

10081

I N A S S E M B L Y

May 10, 2016

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to increasing penalties for deceptive trade practices and unlawful acts by an automobile broker business

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

Section 1. Section 743 of the general business law, as added by chapter 616 of the laws of 1988, is amended to read as follows:

S 743. Enforcement by attorney general. In addition to the other remedies provided, whenever there shall be a violation of this article, application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this article, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding, the court may make allowances to the attorney general as provided in paragraph six of subdivision (a) of section eighty-three hundred three of the civil practice law and rules, and direct restitution. Whenever the court shall determine that a violation of this article has occurred, the court [may] SHALL impose a civil penalty of not [more] LESS than one thousand dollars AND NOT MORE THAN THREE THOUSAND DOLLARS for each violation. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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