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I N   A S S E M B L Y

May 10, 2016

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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 auto-  
mobile broker business

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

1     Section 1. Section 743 of the general business law, as added by chap-  
2     ter 616 of the laws of 1988, is amended to read as follows:  
3     S 743. Enforcement by attorney general. In addition to the other reme-  
4     dies provided, whenever there shall be a violation of this article,  
5     application may be made by the attorney general in the name of the  
6     people of the state of New York to a court or justice having jurisdic-  
7     tion by a special proceeding to issue an injunction, and upon notice to  
8     the defendant of not less than five days, to enjoin and restrain the  
9     continuance of such violations; and if it shall appear to the satisfac-  
10    tion of the court or justice that the defendant has, in fact, violated  
11    this article, an injunction may be issued by such court or justice,  
12    enjoining and restraining any further violation, without requiring proof  
13    that any person has, in fact, been injured or damaged thereby. In any  
14    such proceeding, the court may make allowances to the attorney general  
15    as provided in paragraph six of subdivision (a) of section eighty-three  
16    hundred three of the civil practice law and rules, and direct restitu-  
17    tion. Whenever the court shall determine that a violation of this arti-  
18    cle has occurred, the court [may] SHALL impose a civil penalty of not  
19    [more] LESS than one thousand dollars AND NOT MORE THAN THREE THOUSAND  
20    DOLLARS for each violation. In connection with any such proposed appli-  
21    cation, the attorney general is authorized to take proof and make a  
22    determination of the relevant facts and to issue subpoenas in accordance  
23    with the civil practice law and rules.  
24    S 2. This act shall take effect on the ninetieth day after it shall  
25    have become a law.

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

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