

714

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 7, 2015

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 20-104 of the administrative code of the city of  
2 New York is amended by adding a new subdivision h to read as follows:  
3     H. PRIOR TO IMPOSING ANY FINE ON A SMALL BUSINESS, THE COMMISSIONER  
4 SHALL ISSUE TO SUCH SMALL BUSINESS A WARNING GIVING NOTICE OF THE  
5 PROVISION OR PROVISIONS SUCH SMALL BUSINESS HAS BEEN FOUND TO BE IN  
6 VIOLATION OF. SUCH SMALL BUSINESS SHALL HAVE THIRTY DAYS DURING WHICH TO  
7 COMPLY WITH SUCH PROVISION OR PROVISIONS, AFTER WHICH, IF SUCH SMALL  
8 BUSINESS IS STILL FOUND TO BE IN VIOLATION OF SUCH PROVISION OR  
9 PROVISIONS, THE COMMISSIONER SHALL IMPOSE A FINE.  
10     FOR THE PURPOSES OF THIS SECTION, "SMALL BUSINESS" MEANS ANY BUSINESS  
11 WHICH IS RESIDENT IN THE CITY OF NEW YORK, INDEPENDENTLY OWNED AND OPER-  
12 ATED, AND EMPLOYS ONE HUNDRED OR LESS INDIVIDUALS.  
13     S 2. Section 94-a of the executive law is amended by adding a new  
14 subdivision 6 to read as follows:  
15     6. PRIOR WARNING NOTICE. PRIOR TO IMPOSING ANY FINE ON A SMALL BUSI-  
16 NESS, THE SECRETARY SHALL ISSUE TO SUCH SMALL BUSINESS A WARNING GIVING  
17 NOTICE OF THE PROVISION OR PROVISIONS SUCH SMALL BUSINESS HAS BEEN FOUND  
18 TO BE IN VIOLATION OF. SUCH SMALL BUSINESS SHALL HAVE THIRTY DAYS DURING  
19 WHICH TO COMPLY WITH SUCH PROVISION OR PROVISIONS, AFTER WHICH, IF SUCH  
20 SMALL BUSINESS IS STILL FOUND TO BE IN VIOLATION OF SUCH PROVISION OR  
21 PROVISIONS, THE SECRETARY SHALL IMPOSE A FINE.  
22     FOR THE PURPOSES OF THIS SUBDIVISION, "SMALL BUSINESS" MEANS ANY BUSI-  
23 NESS WHICH IS RESIDENT IN THIS STATE, INDEPENDENTLY OWNED AND OPERATED,  
24 AND EMPLOYES ONE HUNDRED OR LESS INDIVIDUALS.  
25     S 3. This act shall take effect on the thirtieth day after it shall  
26 have become a law.

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

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