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

7406--B

2015-2016 Regular Sessions

I N A S S E M B L Y

May 8, 2015

Introduced by M. of A. ORTIZ, MALLIOTAKIS -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to licensing of appearance enhancement businesses

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

Section 1. Subdivision 5 of section 408 of the general business law, as added by chapter 509 of the laws of 1992, is amended to read as follows:

5. A license certificate issued pursuant to this article shall be posted in some conspicuous place in the licensed premises or in the place where the practice of an occupation licensed pursuant to this article is conducted. At the entrance to each licensed premises or at the entrance to any place where the practice of an occupation licensed pursuant to this article is conducted, a sign shall be posted which shall include the rules and regulations governing such practice and a manner in which aggrieved persons may register a complaint with the department. SUCH LICENSED PREMISES SHALL ALSO POST THE TOLL-FREE NUMBER, ADDRESS AND OTHER PERTINENT INFORMATION AS DETERMINED AND REQUIRED BY THE SECRETARY OF THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER IN AN AREA EASILY OBSERVABLE TO EMPLOYEES. The department shall prepare and furnish such [sign] SIGNS to each licensee.

S 2. Subdivision 1 of section 410 of the general business law, as added by chapter 509 of the laws of 1992, is amended to read as follows:

1. Suspension and revocation of licenses; fines; reprimands. A license issued pursuant to this article may be suspended or revoked, or a fine not exceeding five hundred dollars payable to the department may be imposed for any one or more of the following causes:

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

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a. Fraud or bribery in securing a license or permission to take an examination therefor.

b. The making of any false statement as to a material matter in any application or other statement or certificate required by or pursuant to this article.

c. Incompetence or untrustworthiness.

d. Failure to display the license as provided in this article.

e. Violation of any provision of this article, or of any rule or regulation adopted hereunder.

E-1. CONVICTION OF ANY OF THE FOLLOWING CRIMES, PROVIDED THAT THE CRIME OCCURRED AT THE LICENSED PREMISES ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN: PROSTITUTION OFFENSES PURSUANT TO SECTIONS 230.25, 230.30, AND 230.32 OF THE PENAL LAW.

f. Conviction of any of the following crimes subsequent to the issuance of a license pursuant to this article: fraud pursuant to sections 170.10, 170.15, 176.15, 176.20, 176.25, 176.30 and 190.65; falsifying business records pursuant to section 175.10; grand larceny pursuant to article 155; bribery pursuant to sections 180.03, 180.08, 180.15, 180.25, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.45, 200.50; perjury pursuant to sections 210.10, 210.15, 210.40; assault pursuant to sections 120.05, 120.10, 120.11, 120.12; robbery pursuant to article 160; homicide pursuant to sections 125.25 and 125.27; manslaughter pursuant to sections 125.15 and 125.20; kidnapping and unlawful imprisonment pursuant to sections 135.10, 135.20 and 135.25; unlawful weapons possession pursuant to sections 265.02, 265.03 and 265.04; criminal use of a weapon pursuant to sections 265.08 and 265.09; criminal sale of a weapon pursuant to sections 265.11 and 265.12; and sex offenses pursuant to article 130 of the penal law. Provided, however, that for the purposes of this article, none of the following shall be considered criminal convictions or reported as such: (i) a conviction for which an executive pardon has been issued pursuant to the executive law; (ii) a conviction which has been vacated and replaced by a youthful offender finding pursuant to article seven hundred twenty of the criminal procedure law, or the applicable provisions of law of any other jurisdiction; or (iii) a conviction the records of which have been expunged or sealed pursuant to the applicable provisions of the laws of this state or of any other jurisdiction; and (iv) a conviction for which other evidence of successful rehabilitation to remove the disability has been issued.

Provided, however, a fine shall not be imposed for the causes specified in paragraph E-1 OR f of this subdivision.

In lieu of or in conjunction with the suspension or revocation of a license, or the imposition of a fine pursuant to this section, the secretary may issue a reprimand. When a license issued pursuant to this article is revoked, such license shall not be reinstated or reissued until after the expiration of a period of one year from the date of such revocation. No license shall be issued after a second revocation. UPON REINSTATEMENT OR REISSUANCE OF A LICENSE, THE SECRETARY OF STATE MAY PLACE REASONABLE CONDITIONS ON SUCH LICENSE, INCLUDING RESTRICTIONS ON THE HOURS OF OPERATION OF SUCH BUSINESS.

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