

6623

I N S E N A T E

February 1, 2016

Introduced by Sen. GOLDEN -- 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 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:

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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