

STATE OF NEW YORK

2015--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 17, 2017

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the transportation law, in relation to the enforcement of provisions relating to carriers of household goods by motor vehicles

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The transportation law is amended by adding a new section
2 198-a to read as follows:

3 § 198-a. Enforcement. The department shall enforce this article and
4 any provision of any authorized rule or regulation promulgated pursuant
5 to this article provided that the attorney general, in response to a
6 complaint from a consumer, at the request of the commissioner, or on the
7 attorney general's own initiative, may seek equitable relief to restrain
8 any violation or threatened violation of section one hundred ninety-one
9 of this article or any provision of any authorized rule or regulation
10 promulgated pursuant to such section. Whenever there shall be a
11 violation or threatened violation of section one hundred ninety-one of
12 this article or any provision of any authorized rule or regulation
13 promulgated pursuant to such section, an application may be made by the
14 attorney general in the name of the people of the state of New York to a
15 court or justice having jurisdiction, by a special proceeding, seeking
16 an injunction to enjoin and restrain the continuance of such violation
17 or threatened violation; and if it shall appear to the satisfaction of
18 the court or justice that the defendant has, in fact, violated section
19 one hundred ninety-one of this article or any provision of any author-
20 ized rule or regulation promulgated pursuant to such section, an injunc-
21 tion may be issued by the court or justice, enjoining and restraining

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

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1 any further violations, without requiring proof that any person has, in
2 fact, been injured or damaged thereby.

3 In any such proceeding, the court may make allowances to the attorney
4 general as provided in paragraph six of subdivision (a) of section
5 eighty-three hundred three of the civil practice law and rules, and
6 direct restitution. Whenever the court shall determine that a violation
7 of section one hundred ninety-one of this article or any provision of
8 any authorized rule or regulation promulgated pursuant to section one
9 hundred ninety-one of this article has occurred, the court may also
10 impose a civil penalty of not more than one thousand dollars for each
11 violation. In connection with any such proposed application, the attor-
12 ney general is authorized to take proof and make a determination of the
13 relevant facts and to issue subpoenas in accordance with the civil prac-
14 tice law and rules.

15 § 2. This act shall take effect on the sixtieth day after it shall
16 have become a law.