# STATE OF NEW YORK

8133--B

2017-2018 Regular Sessions

# IN ASSEMBLY

May 31, 2017

Introduced by M. of A. PHEFFER AMATO, SEPULVEDA, MOSLEY -- read once and referred to the Committee on Consumer Affairs and Protection -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 general business law, in relation to price gouging

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

Section 1. Section 396-r of the general business law is amended by adding a new subdivision 5 to read as follows:

**5. In addition to any right of action granted to the attorney general pursuant to this section, any person who has been injured due to any violation of this section may bring an action in his or her own name to enjoin such unlawful act or practice, an action to recover his or her compensatory damages or one thousand dollars, whichever is greater, or both. The court may, in its discretion, award the prevailing plaintiff in such action an additional award not to exceed five thousand dollars, if the court finds the defendant willfully violated the provisions of this section. The court may award reasonable attorneys' fees to a prevailing plaintiff. The provisions of this subdivision shall not limit the rights of an injured person under common law or any other law.**

§ 2. This act shall take effect immediately.

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

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