

STATE OF NEW YORK

8205--B

2017-2018 Regular Sessions

IN ASSEMBLY

June 2, 2017

Introduced by M. of A. McDONALD, JENNE, LUPARDO, CRESPO, D'URSO, MONTES-ANO, RAIA, CROUCH, WOERNER, STECK, JONES -- Multi-Sponsored by -- M. of A. MAGEE, MURRAY, SIMON -- read once and referred to the Committee on Small Business -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Small Business 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 executive law, in relation to regulatory fines for small businesses

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

1 Section 1. The executive law is amended by adding a new section 170-c
2 to read as follows:

3 § 170-c. Regulatory fines for small businesses. 1. Notwithstanding
4 any other law, rule or regulation to the contrary, upon an initial
5 violation of a state agency's rules or regulations, a small business
6 shall be afforded a cure period or other opportunity for ameliorative
7 action, the successful completion of which will prevent the imposition
8 of penalties on the party or parties subject to enforcement, unless the
9 agency determines that the violation directly affected public health or
10 safety. Upon such first violation, a state agency shall (a) provide the
11 small business with a copy of any applicable small business regulation
12 guides pursuant to section one hundred two-a of the state administrative
13 procedure act and any other helpful compliance information detailing the
14 agency's rules and regulations, or (b) hold an in-person meeting with
15 the small business to help assist such small business with compliance
16 with the agency's rules and regulations. The agency shall have the
17 discretion to determine the appropriate period of time to allow for such
18 ameliorative action to occur, provided such period is not less than
19 ninety days.

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

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- 1 2. "Small business" as used in this section shall mean a business
- 2 which is resident in this state, independently owned and operated, not
- 3 dominant in its field and employs one hundred or less persons.
- 4 § 2. This act shall take effect immediately.