

# STATE OF NEW YORK

10617

## IN ASSEMBLY

June 10, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cymbrowitz)  
-- read once and referred to the Committee on Consumer Affairs and  
Protection

AN ACT to amend the general business law, in relation to establishing  
the failure to refund school-related educational trips, tours or  
excursions during a declared state of emergency as an illegal act

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

1 Section 1. The general business law is amended by adding a new section  
2 158-b to read as follows:

3 § 158-b. Prohibited practices; state of disaster emergency. Notwith-  
4 standing any provision of law, rule or regulation to the contrary, it  
5 shall be illegal for any travel consultant, travel promoter, or other  
6 entity acting on behalf of a consumer to provide travel services, to  
7 fail to provide a full monetary refund, upon request, for a school-re-  
8 lated educational trip, tour or excursion cancelled as a result of a  
9 declared state of disaster emergency pursuant to article two-B of the  
10 executive law.

11 § 2. Subdivision 4 of section 159 of the general business law, as  
12 added by chapter 754 of the laws of 1990, is amended and a new subdivi-  
13 sion 2-a is added to read as follows:

14 2-a. Except as otherwise provided by law, any travel consultant, trav-  
15 el promoter, or other entity providing travel services who shall violate  
16 section one hundred fifty-eight-b of this article shall be guilty of a  
17 misdemeanor.

18 4. Enforcement; penalties. Whenever there shall be a violation of  
19 section one hundred fifty-seven-a, one hundred fifty-eight ~~[ex]~~, one  
20 hundred fifty-eight-a or one hundred fifty-eight-b of this article, an  
21 application may be made by the attorney general in the name of the  
22 people of the state of New York to a court or justice having jurisdic-  
23 tion by a special proceeding to issue an injunction, and upon notice to  
24 the defendant of not less than five days, to enjoin and restrain the  
25 continuance of such violations; and if it shall appear to the satisfac-  
26 tion of the court or justice that the defendant has, in fact, violated

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

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1 this article, an injunction may be issued by such court or justice,  
2 enjoining and restraining any further violation, without requiring proof  
3 that any person has, in fact, been injured or damaged thereby. In any  
4 such proceeding, the court may make allowances to the attorney general  
5 as provided in paragraph six of subdivision (a) of section eighty-three  
6 hundred three of the civil practice law and rules, and direct restitu-  
7 tion. Whenever the court shall determine that a violation of this arti-  
8 cle has occurred, the court may impose a civil penalty of not more than  
9 five hundred dollars for each violation; provided, however, a civil  
10 penalty of not more than five thousand dollars may be imposed for a  
11 violation of section one hundred fifty-eight-b of this article. In  
12 connection with any such proposed application, the attorney general is  
13 authorized to take proof and make a determination of the relevant facts  
14 and to issue subpoenas in accordance with the civil practice law and  
15 rules.

16 § 3. This act shall take effect immediately.