STATE OF NEW YORK

2893

2019-2020 Regular Sessions

IN SENATE

January 30, 2019

Introduced by Sen. KAVANAGH -- 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 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.

LBD02179-01-9