

# STATE OF NEW YORK

10360

## IN ASSEMBLY

April 29, 2020

Introduced by M. of A. CARROLL -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting the charging of membership fees during a state disaster emergency

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

1 Section 1. The general business law is amended by adding a new section  
2 399-vv to read as follows:

3 § 399-vv. Prohibition of membership fee charges. 1. During a state  
4 disaster emergency, declared pursuant to article 2-B of the executive  
5 law, no person, partnership, corporation, association or other business  
6 entity shall charge a consumer any contracted membership fee when, due  
7 to such state disaster emergency:

8 (a) the contracted service has ceased, partially or fully;

9 (b) the contracted service has been rendered impossible or illegal;

10 (c) the non-use of a facility or premises, or the non-rendering or the  
11 non-use of a contracted service, has frustrated the purpose of the  
12 contract; or

13 (d) a consumer would experience and demonstrates financial hardship if  
14 he or she were to pay such membership fee.

15 2. Every violation of this section shall be punishable by a civil  
16 penalty not to exceed one thousand dollars.

17 3. Nothing in this section shall be construed to restrict any right  
18 which any person may have under any other statute or the common law.

19 § 2. This act shall take effect immediately.

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

LBD16112-01-0