

STATE OF NEW YORK

6442

2019-2020 Regular Sessions

IN ASSEMBLY

March 7, 2019

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

AN ACT to amend the general business law, in relation to travel agreements

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
2 157-b to read as follows:

3 § 157-b. Additional prohibitive practices by travel consultants. A
4 travel consultant shall not receive payment for travel or services
5 connected therewith unless at the time or prior to the receipt of
6 payment, the travel consultant provides the purchaser with written or
7 electronic disclosure of the terms of the purchase. Such disclosure
8 shall clearly and conspicuously include:

9 1. the name, business address and telephone number of the travel
10 consultant;

11 2. the amount due, the date of payment, the purpose of the payment and
12 an itemized statement of the balance due, if any;

13 3. the name of the carrier with which the travel consultant has
14 contracted to provide the transportation, the type and size of carrier
15 to be used, and the date, time and place of each departure;

16 4. a detailed description of any other services provided in conjunc-
17 tion with the transportation;

18 5. conditions, if any, upon which the services between the travel
19 consultant and the traveler may be cancelled, and the rights and obli-
20 gations of all parties in the event of such cancellation;

21 6. the conditions, if any, upon which the agreement between the travel
22 consultant and the carrier or other service provider may be cancelled,
23 and the rights and obligations of all parties in the event of such
24 cancellation; and

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

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1 7. a description of all contingencies, limitations and/or conditions
2 of the agreement.

3 § 2. Subdivisions 1 and 2 of section 159 of the general business law,
4 as amended by chapter 754 of the laws of 1990, are amended to read as
5 follows:

6 1. Except as otherwise provided by law, any travel consultant who
7 shall violate the terms of section one hundred fifty-eight of this arti-
8 cle shall be guilty of a misdemeanor provided, however, that where such
9 violation results in five thousand dollars or more of financial loss to
10 a consumer, such violation shall constitute a class E felony.

11 2. Except as otherwise provided by law, any travel promoter who shall
12 knowingly violate the terms of section one hundred fifty-eight-a of this
13 article shall be guilty of a misdemeanor provided, however, that where
14 such violation results in five thousand dollars or more of financial
15 loss to a consumer, such violation shall constitute a class E felony.

16 § 3. Subdivision 4 of section 159 of the general business law, as
17 added by chapter 754 of the laws of 1990, is amended to read as follows:

18 4. Enforcement; penalties. Whenever there shall be a violation of
19 section one hundred fifty-seven-a, one hundred fifty-seven-b, one
20 hundred fifty-eight or one hundred fifty-eight-a 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
27 this article, an injunction may be issued by such court or justice,
28 enjoining and restraining any further violation, without requiring proof
29 that any person has, in fact, been injured or damaged thereby. In any
30 such proceeding, the court may make allowances to the attorney general
31 as provided in paragraph six of subdivision (a) of section eighty-three
32 hundred three of the civil practice law and rules, and direct restitu-
33 tion. Whenever the court shall determine that a violation of this arti-
34 cle has occurred, the court may impose a civil penalty [~~of not more than~~
35 ~~five hundred dollars~~] based on the amount of financial loss to the
36 consumer whose agreement was the subject of such proceeding for each
37 violation. In connection with any such proposed application, the attor-
38 ney general is authorized to take proof and make a determination of the
39 relevant facts and to issue subpoenas in accordance with the civil prac-
40 tice law and rules.

41 § 4. This act shall take effect on the sixtieth day after it shall
42 have become a law and shall apply to all proceedings for violations of
43 article 10-A of the general business law beginning on and after such
44 effective date.