STATE OF NEW YORK

7540

2019-2020 Regular Sessions

IN ASSEMBLY

May 9, 2019

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Small Business

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:

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

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

2. "Small business" as used in this section shall mean a business which is resident in this state, independently owned and operated, not dominant in its field and employs one hundred or less persons.

§ 2. This act shall take effect immediately.

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

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