

# STATE OF NEW YORK

8854

## IN SENATE

July 29, 2020

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 Assembly, 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  
27 this article, an injunction may be issued by such court or justice,

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

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

15 § 3. This act shall take effect immediately.