

STATE OF NEW YORK

3749

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

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

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 Assem-
bly, 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 ~~[e]~~, 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

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

LBD07631-01-1

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

18 § 3. This act shall take effect immediately.