

STATE OF NEW YORK

3105

2021-2022 Regular Sessions

IN SENATE

January 27, 2021

Introduced by Sens. KAPLAN, MAYER, PARKER, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the general obligations law and the banking law, in relation to providing financial consumer protections for small businesses

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

1 Section 1. The general obligations law is amended by adding a new
2 section 5-522 to read as follows:

3 § 5-522. Application to small businesses. All rights and privileges
4 granted under this title to persons shall also apply to small busi-
5 nesses. For purposes of this section, a small business shall be deemed
6 to be one which is resident in this state, independently owned and oper-
7 ated, not dominant in its field and employs one hundred or less persons.

8 § 2. Section 173 of the banking law is amended by adding a new subdivi-
9 sion 4 to read as follows:

10 4. All rights and privileges granted under this section to persons
11 shall also apply to small businesses. For purposes of this subdivision,
12 a small business shall be deemed to be one which is resident in this
13 state, independently owned and operated, not dominant in its field and
14 employs one hundred or less persons.

15 § 3. Section 380-e of the banking law, as separately amended by chap-
16 ters 349 and 1072 of the laws of 1968, is amended to read as follows:

17 § 380-e. Effect of usury. The knowingly taking, receiving, reserving,
18 or charging by a savings and loan association of interest, as computed
19 pursuant to this article, at a rate greater than such rate of interest
20 as may be authorized by law shall be held and adjudged a forfeiture of
21 the entire interest which the note or other evidence of debt carries
22 with it, or which has been agreed to be paid thereon. If such greater
23 rate of interest has been paid, the person paying the same or his legal

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

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1 representatives may recover from the savings and loan association twice
2 the entire amount of the interest thus paid. Nothing in this section
3 shall be deemed to affect the powers of any savings and loan association
4 with respect to loans or investments it is authorized to make. The
5 rights and privileges granted under this section shall also apply to
6 small businesses. For purposes of this section, a small business shall
7 be deemed to be one which is resident in this state, independently owned
8 and operated, not dominant in its field and employs one hundred or less
9 persons.

10 § 4. This act shall take effect immediately.