STATE OF NEW YORK

7994

2021-2022 Regular Sessions

IN ASSEMBLY

June 4, 2021

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Transportation

AN ACT to amend the transportation law, in relation to the enforcement of provisions relating to certification of carriers of household goods by motor vehicles

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

Section 1. The transportation law is amended by adding a new section 198-a to read as follows:

§ 198-a. Enforcement. The department shall enforce this article and any rules or regulations promulgated pursuant thereto. The attorney general, in response to a request by the commissioner or a complaint from a consumer, or on the attorney general's own initiative, may seek equitable relief to restrain any violation or threatened violation of section one hundred ninety-one of this article requiring certification of common carriers of household goods or any rules or regulations promulgated pursuant to such section. An application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction, by a special proceeding, seeking an injunction to enjoin and restrain the continuance of a violation or threatened violation of section one hundred ninety-one of this article or any rules or regulations promulgated pursuant to such section. If it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated section one hundred ninety-one of this article or any rules or regulations promulgated pursuant to such section, an injunction may be issued by the court or justice, enjoining and restraining any further violations, without requiring proof that any person has, in fact, been injured or damaged thereby.

In any such proceeding, the court may make allowances to the attorney general as provided in paragraph six of subdivision (a) of section eighty-three hundred three of the civil practice law and rules, and

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

LBD11744-01-1

direct restitution. Whenever the court shall determine that a violation of section one hundred ninety-one of this article or any rules or regulations promulgated pursuant to such section has occurred, the court may also impose a civil penalty of up to one thousand dollars for each violation. In connection with any such proposed application, the attorney general may take proof and make a determination of the relevant facts and issue subpoenas in accordance with the civil practice law and rules.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.