STATE OF NEW YORK

7127--A

2021-2022 Regular Sessions

IN SENATE

June 2, 2021

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. Whenever there shall be a violation of section one hundred ninety-one of this article or any rule or regulation promulgated pursuant thereto, 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 to issue an injunction and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violation or to enforce the provisions of such section or such rules and regulations. 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 thereto, an injunction may be issued by such court or justice, enjoining and

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

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restraining any further violation, 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 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.