STATE OF NEW YORK

7822

2023-2024 Regular Sessions

IN ASSEMBLY

June 15, 2023

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

AN ACT to amend the general business law, in relation to certain deceptive acts and practices

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

Section 1. Subdivision (h) of section 349 of the general business law, as amended by chapter 157 of the laws of 1984, is amended and a new subdivision (i) is added to read as follows:

(h) In addition to the right of action granted to the attorney general pursuant to this section, any person who has been injured by reason of any violation of this section may bring an action in his **or her** own name to enjoin such unlawful act or practice, an action to recover his **or her** actual damages or fifty dollars, whichever is greater, or both such actions. **The court shall have exclusive jurisdiction over such a claim.** The court may, in its discretion, increase the award of damages to an amount not to exceed three times the actual damages up to one thousand dollars, if the court finds the defendant willfully or knowingly violated this section. The court may award reasonable attorney's fees to a prevailing plaintiff.

(i) In connection with any claim under this section against a distribution utility providing gas, electric or steam services to the public, the court shall have exclusive jurisdiction over such claim without regard to any defenses alleged, nor shall any defense alleged preclude the court from adjudicating the merits of any claims brought under this section.

§ 2. Section 350 of the general business law, as added by chapter 813 of the laws of 1963, is amended to read as follows:

§ 350. False advertising unlawful. False advertising in the conduct of any business, trade or commerce or in the furnishing of any service in this state is hereby declared unlawful. **In connection with any claim**

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

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under this section the court shall have exclusive jurisdiction over such a claim.

§ 3. This act shall take effect immediately and shall apply to any such claim brought on or after January 1, 2021.