

# STATE OF NEW YORK

3123

2025-2026 Regular Sessions

## IN ASSEMBLY

January 23, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the  
Committee on Labor

AN ACT to amend the labor law and the tax law, in relation to suspending  
certain certificates of authority of employers who are in violation of  
certain provisions of the labor law

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

1 Section 1. Subdivision 1 of section 219 of the labor law, as amended  
2 by chapter 564 of the laws of 2010, the opening paragraph as further  
3 amended by section 104 of part A of chapter 62 of the laws of 2011, is  
4 amended to read as follows:

5 1. (a) (i) If the commissioner determines that an employer has failed  
6 to pay wages, benefits or wage supplements required pursuant to article  
7 six (payment of wages), article nineteen (minimum wage act) or article  
8 nineteen-A (minimum wage standards and protective labor practices for  
9 farm workers) of this chapter, or a rule or regulation promulgated ther-  
10 eunder, the commissioner shall issue to the employer an order directing  
11 compliance therewith, which shall describe particularly the nature of  
12 the alleged violation. A copy of such order shall be provided to any  
13 employee who has filed a complaint and to [~~his or her~~] such employee's  
14 authorized representative. Such order shall direct payment of wages or  
15 supplements found to be due, liquidated damages in the amount of one  
16 hundred percent of unpaid wages, and interest at the rate of interest  
17 then in effect as prescribed by the superintendent of financial services  
18 pursuant to section fourteen-a of the banking law per annum from the  
19 date of the underpayment to the date of the payment.

20 (ii) At the discretion of the commissioner, the commissioner shall  
21 have full authority to provide for inclusion of an automatic fifteen  
22 percent additional amount of damages to come due and owing upon expira-  
23 tion of ninety days from an order to comply becoming final. The commis-

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

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1 sioner shall provide written notice to the employer in the order to  
2 comply of this additional damage.

3 (b)(i) If the commissioner determines the employer is in violation of  
4 article six (payment of wages), article nineteen (minimum wage act),  
5 article nineteen-A (minimum wage standards and protective labor prac-  
6 tices for farm workers), section two hundred twelve-a, section two  
7 hundred twelve-b, section one hundred sixty-one or section one hundred  
8 sixty-two of this chapter, or a rule or regulation promulgated there-  
9 under, and such aggregate amount exceeds one thousand dollars, the  
10 commissioner shall notify the employer of such violation, in writing,  
11 and such employer shall have fifteen days to address all violations. If  
12 the employer does not address all violations within the allotted  
13 fifteen-day period, the commissioner shall notify the commissioner of  
14 taxation and finance, in writing, of the name and address of any employ-  
15 er holding a certificate of authority pursuant to section eleven hundred  
16 thirty-four of the tax law to suspend such certificate.

17 (ii) The commissioner of taxation and finance shall not reinstate a  
18 license suspended pursuant to subparagraph (i) of this paragraph until  
19 the commissioner of taxation and finance receives written notice from  
20 the commissioner that the employer whose license was suspended is in  
21 compliance with article six (payment of wages), article nineteen (mini-  
22 imum wage act), article nineteen-A (minimum wage standards and protective  
23 labor practices for farm workers), section two hundred twelve-a, section  
24 two hundred twelve-b, section one hundred sixty-one or section one  
25 hundred sixty-two of this chapter, and any rule or regulation promulgat-  
26 ed thereunder.

27 § 2. Subparagraph (A) of paragraph 4 of subdivision (a) of section  
28 1134 of the tax law, as amended by section 2 of part P of chapter 59 of  
29 the laws of 2021, is amended to read as follows:

30 (A) Where a person who holds a certificate of authority (i) willfully  
31 fails to file a report or return required by this article, (ii) willful-  
32 ly files, causes to be filed, gives or causes to be given a report,  
33 return, certificate or affidavit required under this article which is  
34 false, (iii) willfully fails to comply with the provisions of paragraph  
35 two or three of subdivision (e) of section eleven hundred thirty-seven  
36 of this ~~article~~ part, (iv) willfully fails to prepay, collect, truth-  
37 fully account for or pay over any tax imposed under this article or  
38 pursuant to the authority of article twenty-nine of this chapter, (v)  
39 fails to obtain a bond pursuant to paragraph two of subdivision (e) of  
40 section eleven hundred thirty-seven of this part, or fails to comply  
41 with a notice issued by the commissioner pursuant to paragraph three of  
42 such subdivision, (vi) has been convicted of a crime provided for in  
43 this chapter, (vii) where such person, or any person affiliated with  
44 such person as such term is defined in subdivision twenty-one of section  
45 four hundred seventy of this chapter, has had a retail dealer registra-  
46 tion issued pursuant to section four hundred eighty-a of this chapter  
47 revoked pursuant to subparagraph (iii) of paragraph (a) of subdivision  
48 four of such section four hundred eighty-a, ~~[or]~~ (viii) has not obtained  
49 a valid retail dealer registration under section four hundred eighty-a  
50 of this chapter and such person possesses or sells unstamped or unlaw-  
51 fully stamped packages of cigarettes three or more times within a period  
52 of five years, or (ix) is found to have violated subdivision one of  
53 section two hundred nineteen of the labor law according to the commis-  
54 sioner of labor, the commissioner may revoke or suspend such certificate  
55 of authority and all duplicates thereof. Provided, however, that the  
56 commissioner may revoke or suspend a certificate of authority based on

1 (a) the grounds set forth in clause (vi) of this subparagraph only where  
2 the conviction referred to occurred not more than one year prior to the  
3 date of revocation or suspension; and provided further that where the  
4 commissioner revokes or suspends a certificate of authority based on the  
5 grounds set forth in clause (vii) of this subparagraph, such suspension  
6 or revocation shall continue for as long as the revocation of the retail  
7 dealer registration pursuant to section four hundred eighty-a of this  
8 chapter remains in effect, or (b) the grounds set forth in clause (viii)  
9 of this subparagraph, such suspension or revocation shall be for a peri-  
10 od of five years.

11 § 3. Subparagraph (A) of paragraph 4 of subdivision (a) of section  
12 1134 of the tax law, as amended by section 2-a of part P of chapter 59  
13 of the laws of 2021, is amended to read as follows:

14 (A) Where a person who holds a certificate of authority (i) willfully  
15 fails to file a report or return required by this article, (ii) willful-  
16 ly files, causes to be filed, gives or causes to be given a report,  
17 return, certificate or affidavit required under this article which is  
18 false, (iii) willfully fails to comply with the provisions of paragraph  
19 two or three of subdivision (e) of section eleven hundred thirty-seven  
20 of this ~~article~~ part, (iv) willfully fails to prepay, collect, truth-  
21 fully account for or pay over any tax imposed under this article or  
22 pursuant to the authority of article twenty-nine of this chapter, (v)  
23 has been convicted of a crime provided for in this chapter, (vi) where  
24 such person, or any person affiliated with such person as such term is  
25 defined in subdivision twenty-one of section four hundred seventy of  
26 this chapter, has had a retail dealer registration issued pursuant to  
27 section four hundred eighty-a of this chapter suspended or revoked  
28 pursuant to subparagraph (iii) of paragraph (a) of subdivision four of  
29 such section four hundred eighty-a, ~~ex~~ (vii) has not obtained a valid  
30 retail dealer registration under section four hundred eighty-a of this  
31 chapter and such person possesses or sells unstamped or unlawfully  
32 stamped packages of cigarettes three or more times within a period of  
33 five years, or (ix) is found to have violated subdivision one of section  
34 two hundred nineteen of the labor law according to the commissioner of  
35 labor, the commissioner may revoke or suspend such certificate of  
36 authority and all duplicates thereof. Provided, however, that the  
37 commissioner may revoke or suspend a certificate of authority based on  
38 (a) the grounds set forth in clause (v) of this subparagraph only where  
39 the conviction referred to occurred not more than one year prior to the  
40 date of revocation or suspension; and provided further that where the  
41 commissioner revokes or suspends a certificate of authority based on the  
42 grounds set forth in clause (vi) of this subparagraph, such suspension  
43 or revocation shall continue for as long as the revocation of the retail  
44 dealer registration pursuant to section four hundred eighty-a of this  
45 chapter remains in effect, or (b) the grounds set forth in clause (vii)  
46 of this subparagraph, such suspension or revocation shall be for a peri-  
47 od of five years.

48 § 4. This act shall take effect immediately; provided, however, that  
49 the amendments to subparagraph (A) of paragraph 4 of subdivision (a) of  
50 section 1134 of the tax law made by section two of this act shall be  
51 subject to the expiration and reversion of such subparagraph pursuant to  
52 subdivision (e) of section 23 of part U of chapter 61 of the laws of  
53 2011, as amended, when upon such date the provisions of section three of  
54 this act shall take effect.