§ 15.15. Remedies and enforcement. 1. An art merchant, including a merchant consignee, who offers or sells a multiple in, into or from this state without providing the information required by this article for the appropriate time period, or who provides required information which is mistaken, erroneous or untrue, except for harmless errors such as typographical errors, shall be liable to the purchaser to whom the multiple was sold. The merchant's liability shall consist of the consideration paid by the purchaser with interest from the time of payment at the rate prescribed by section five thousand four of the civil practice law and rules or any successor provisions thereto, upon the return of the multiple in substantially the same condition in which received by the purchaser. This remedy shall not bar or be deemed inconsistent with a claim for damages or with the exercise of additional remedies otherwise available to the purchaser.

2. In any proceeding in which an art merchant relies upon a disclaimer of knowledge as to any relevant information required by this article for the appropriate time period, such disclaimer shall be effective only if it complies with the provisions of section 13.05 of this title, unless the claimant is able to establish that the merchant failed to make reasonable inquiries, according to the custom and usage of the trade, to ascertain the relevant information or that such relevant information would have been ascertained as a result of such reasonable inquiries.

3. (a) The purchaser of such a multiple may recover from the art merchant an amount equal to three times the amount recoverable under subdivision one of this section if an art merchant offers, consigns or sells a multiple and:

(i) willfully fails to provide the information required by this article for the appropriate time period;

(ii) knowingly provides false information; or

(iii) the purchaser can establish that the merchant willfully and falsely disclaimed knowledge as to any required information.

(b) Pursuant to subparagraphs (i) and (iii) of paragraph (a) of this subdivision, a merchant may introduce evidence of the relevant usage and custom of the trade in any proceeding in which such treble damages are sought. This subdivision shall not be deemed to negate the applicability

of article thirteen of this chapter as to authenticity and article thirteen is applicable, as to authenticity, to the multiples covered by the provisions of this article.

4. In any action to enforce any provision of this article, the court may allow the prevailing purchaser the costs of the action together with reasonable attorneys' and expert witnesses' fees. In the event, however, the court determines that an action to enforce was brought in bad faith it may allow such expenses to the art merchant as it deems appropriate.

5. An action to enforce any liability under this article shall be brought within the period prescribed for such actions by article two of the uniform commercial code.