§ 7910. Enforcement provisions. (a) The superintendent may conduct investigations or examinations of providers, administrators, insurers or other persons to enforce the provisions of this article and protect service contract holders in this state. Upon request of the superintendent, the provider shall make all accounts, books and records concerning service contracts sold in this state by the provider available to the superintendent which are necessary to enable the superintendent to reasonably determine compliance or noncompliance with this article.

(b) The superintendent may take action which is necessary or appropriate to enforce the provisions of this article and the superintendent's regulations and orders, and to protect service contract holders in this state.

(1) If the provider has violated this article or the superintendent's regulations or orders, the superintendent may order a service contract provider to cease and desist from committing violations of this article or the superintendent's regulations or orders, may issue an order suspending a provider's registration under this article or prohibiting a service contract provider from marketing, selling, offering for sale, issuing, making or proposing to make service contracts, or may issue an order imposing a civil penalty, or any combination of these. An order issued under this paragraph may be delivered to the provider at its principal office or to the provider's designated agent for service of process indicated in the provider's registration materials pursuant to paragraph two of subsection (a) of section seven thousand nine hundred seven of this article.

(A) A person aggrieved by an order issued under this paragraph may request a hearing before the superintendent. The hearing request shall be filed with the superintendent within twenty days of the date the superintendent's order is effective;

(B) If a hearing is requested, an order issued under this paragraph shall be suspended from the original effective date of the order until completion of the hearing and delivery of the final decision thereon by the superintendent, except that where the provider has demonstrated a consistent pattern or practice of gross misconduct in connection with the marketing, sale, offering for sale, issuance, making or proposing to make of service contracts, the effective date of the order shall not be

suspended pending the hearing and decision by the superintendent; and

(C) At the hearing, the burden shall be on the superintendent to show why the order issued pursuant to this paragraph is justified. The provisions of section three hundred five of the financial services law shall apply to a hearing requested under this paragraph.

(2) The superintendent may bring an action in any court of competent jurisdiction for an injunction or other appropriate relief to enjoin threatened or existing violations of this article or of the superintendent's orders or regulations. An action filed under this paragraph may also seek restitution on behalf of persons aggrieved by a violation of this article or orders or regulations of the superintendent.

(3) A person in violation of this article may be subject to a monetary penalty of not more than five hundred dollars per violation. If the violation is not willful, such person may in lieu of paying such monetary penalty, provide restitution to the persons aggrieved by the violation or otherwise remedy the violation within sixty days after becoming aware of the violation.

(c) The authority of the superintendent under this section is in addition to any other authority of the superintendent.