§ 345-b. Confiscation of goods. 1. The commissioner may, in addition to seeking civil, administrative or criminal penalties pursuant to this article, order the special task force to confiscate any partially or completely assembled articles of apparel and any equipment used in the assembly of apparel from any manufacturer or contractor who is violating any provision of this article and who has previously been found liable for a civil or administrative penalty for two or more separate violations of the provisions of this article during the immediately preceding three-year period. Such order of confiscation shall require that such articles of apparel and equipment shall be held in the premises at which such confiscation occurs and that such articles and equipment shall be secured by any means, including the use of a padlock, to render such articles and equipment inaccessible; provided, however, that the commissioner shall not secure any dwelling unit or other space lawfully used for residential purposes.

2. Such order of confiscation shall be posted upon the secured premises and shall give notice that removal of secured property is prohibited by law. Removal of such posted order while it remains in force shall be punishable by a fine of five hundred dollars. Any attempt to remove secured articles and equipment while such order remains in force shall be punishable by a fine not to exceed one thousand dollars or by imprisonment not to exceed six months or both. The special task force shall deliver the keys to the fee owner, lessor or lessee of such premises if such owner, lessor or lessee is not the manufacturer or contractor who is in violation of the provisions of this article.

3. Such articles and equipment shall remain secured pursuant to subdivision one of this section until such order of confiscation becomes final or until a final determination of any appeal pursuant to subdivision four or five of this section of such order is rendered.

4. Within five days of confiscation pursuant to subdivision one of this section, the commissioner shall provide the manufacturer or contractor who is in violation of any provision of this article and whose articles of apparel and equipment have been confiscated with notification of such violation and confiscation by certified mail,

return receipt requested, and with an opportunity to request from the commissioner by certified mail, return receipt requested, a hearing within fifteen days following receipt of such notice. If a hearing is requested, it shall be held within ten days following receipt of such request, and the commissioner may issue a final confiscation order upon such hearing and a finding that a violation has occurred. If a hearing is not requested, the commissioner shall issue a final confiscation order upon the expiration of such fifteen-day period. The manufacturer or contractor may appeal the final confiscation order to the appellate division of the supreme court within thirty days following the issuance of such final confiscation order.

5. Upon issuance of a final confiscation order or, if such order is appealed, upon a final resolution upholding such order, title to the confiscated articles and equipment shall vest in the state, and such items shall be sold at auction within sixty days from the vesting of title. Proceeds of the auction shall be applied to enforcement and administrative costs of the special task force. Any remaining items shall be disposed of pursuant to regulations issued by the commissioner.