

NY CLS Gen Bus § 350-d

Current through 2024 released Chapters 1-59, 61-117

New York Consolidated Laws Service > General Business Law (§§ 1 — 1601) > Article 22-A Consumer Protection from Deceptive Acts and Practices (§§ 349 — 350-f-1)

§ 350-d. Civil penalty.

(a) Any person, firm, corporation or association or agent or employee thereof who engages in any of the acts or practices stated in this article to be unlawful shall be liable to a civil penalty of not more than five thousand dollars for each violation, which shall accrue to the state of New York and may be recovered in a civil action brought by the attorney general. In any such action it shall be a complete defense that the advertisement is subject to and complies with the rules and regulations of, and the statutes administered by the Federal Trade Commission or any official department, division, commission or agency of the state of New York.

(b) Notwithstanding subdivision (a) of this section, any firm, corporation or association or agent or employee thereof who engages in any of the acts or practices stated in section three hundred forty-nine of this article to be unlawful in connection with or during an abnormal disruption of the market shall be liable to a civil penalty of not more than fifteen thousand dollars for each violation or three times the actual restitution needed, whichever is greater, which shall accrue to the state of New York and may be recovered in a civil action brought by the attorney general. In any such action it shall be a complete defense that the advertisement is subject to and complies with the rules and regulations of, and the statutes administered by the Federal Trade Commission or any official department, division, commission or agency of the state of New York. For the purposes of this subdivision, “abnormal disruption of the market” shall mean any change in the market, whether actual or imminently threatened, resulting from stress of weather, convulsion of nature, failure or shortage of electric power or other source of energy, strike, civil disorder, war, military action, national or local emergency, or other cause of an abnormal disruption of the market which results in the declaration of a state of emergency by the governor.

History

Formerly § 350–c, add, L 1963, ch 813, § 1; renumbered § 350–d, L 1989, ch 65, § 1; L 1980, ch 345, § 1; L 1984, ch 157, § 2; L 2007, ch 208, § 1, eff July 3, 2007; L 2022, ch 803, § 1, effective January 27, 2023.

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