

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1992**

No. 38

Introduced by Council Members Alter and Freed; also Council Members Eisland, Leffler and Dear. (Passed under a Message of Necessity from the Mayor.)

A LOCAL LAW

To amend the administrative code of the city of New York, REPEALING subchapter twenty-nine of chapter two of title twenty of such code relating to midtown stores, and reenacting a new subchapter twenty-nine, in relation to electronics stores.

Be it enacted by the Council as follows:

Section one. Legislative declaration. The Council finds that at a time of great variety and complexity in consumer goods, as well as new developments in electronic, audio and video equipment available for sale, the public is frequently at a distinct disadvantage when seeking to purchase this equipment. Certain retail dealers engaged in the sale of this equipment have used their knowledge to exploit consumers. The Council finds that it is necessary to safeguard and protect both the public against abuses practiced by certain dealers and preserve public confidence in reputable dealers. To accomplish this the Council finds it desirable to expand the limited midtown licensing of retail dealers in audio, video, computer and photographic equipment to citywide licensing.

§ 2. Subchapter twenty-nine of chapter two of title twenty of the administrative code of the city of New York is hereby REPEALED and reenacted to read as follows:

**SUBCHAPTER 29
ELECTRONICS STORES**

§ 20-484 *Definitions.* a. "Electronics store" shall mean a commercial establishment which sells or offers for sale to the public electronic goods.

b. "Electronic goods" shall mean any of the following types of merchandise:

1. audio equipment;
2. calculators;
3. photographic equipment;
4. video equipment; or
5. computer equipment.

c. "Display space" shall mean the area of a retail establishment in which merchandise is publicly displayed and offered for sale and which is generally accessible to customers.

d. "Audio equipment" shall mean any apparatus or equipment that is used for sound reproduction, including but not limited to amplifiers, phonographs, radios, receivers, speakers, compact disc players, tape players, tape recorders and turntables. "Audio equipment" does not include prerecorded or blank audio recording tapes or records.

e. "Photographic equipment" shall mean any apparatus or equipment that is used for the taking, developing or enlarging of photographs or moving pictures, including but not limited to cameras, video cameras, camera cases, lenses, tripods and developing equipment. "Photographic equipment" does not include film or film processing.

f. "Video equipment" shall mean televisions and any apparatus or equipment used in the process of producing images on a television set, including but not limited to video disc players, video game units, video tape players and video tape recorders. "Video equipment" does not include prerecorded video discs and tapes, blank video tapes or video game cartridges.

g. "Computer equipment" shall mean computers, word processors and any apparatus or equipment that is used for computing or word processing, including but not limited to printers, modems, monitors, keyboards, disk drives and peripherals. "Computer equipment" does not include disks, diskettes or computer paper.

§ 20-485 License required. No person shall maintain or operate an electronics store without first having obtained a license therefor issued pursuant to section 20-485.2 of this subchapter.

§ 20-485.1 Application; fee; term. a. An application for any license required under this subchapter or for any renewal thereof shall be made to the commissioner in such form or manner as he or she shall prescribe by rule.

b. There shall be a biennial fee for a license to maintain or operate an electronics store. Such fee for a license to maintain or operate an electronics store shall be three hundred and forty dollars.

§ 20-485.2 Issuance of license. A license to maintain or operate an electronics store shall be granted in accordance with the provisions of this subchapter and any rules promulgated by the commissioner thereunder. The commissioner may refuse to issue to an applicant any license required under this subchapter based upon a determination made after due notice and opportunity to be heard that such applicant has engaged in conduct which would constitute a basis for license suspension or revocation as set forth in section 20-485.3 of this subchapter.

§ 20-485.3 Renewal, suspension and revocation of licenses. In addition to any powers of the commissioner and not in limitation thereof, the commissioner may refuse to renew any license required under this subchapter and may suspend or revoke any such license, after due notice and the opportunity to be heard, upon the occurrence of any one or more of the following conditions:

a. The person holding a license to maintain or operate an electronics store or where applicable its officers, principals, directors, employees or stockholders owning more than ten percent of the outstanding stock of the corporation have been found to have violated any provision of this subchapter, or section 20-708 of this title, or any rules promulgated thereunder; or

b. The person holding a license to maintain or operate an electronics store or where applicable its officers, principals, directors, employees or stockholders owning more than ten percent of the outstanding stock of the corporation have made a material false statement or concealed a material fact in connection with the filing of any application pursuant to this subchapter or have been found to have committed fraud or misrepresentation upon a customer; or

c. The person holding a license to maintain or operate an electronics store or where applicable its officers, principals, directors, employees or stockholders owning more than ten percent of the outstanding stock of the corporation have been found to have engaged in

untrue, misleading or deceptive advertising, or deceptive or unconscionable trade practices as described in chapter five of title twenty of this code and any rules promulgated thereunder; or

d. The person holding a license to maintain or operate an electronics store or where applicable its officers, principals, directors, employees or stockholders owning more than ten percent of the outstanding stock of the corporation have not paid, within the time permitted by law, any civil penalty or judgment duly imposed pursuant to the provisions of this subchapter or any rule promulgated thereunder.

§ 20-485.4 Transferability. No license issued under this subchapter shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued.

§ 20-485.5 Duties of licensees. a. Posting of information. Every person holding a license to maintain or operate an electronics store shall conspicuously post such license.

b. Display of selling price. 1. All merchandise sold, exposed for sale or offered for sale at retail in a store licensed under this subchapter shall have conspicuously displayed, at the point of exposure or offering for sale, the total selling price exclusive of tax by means of a stamp, tag or label attached to the item, or a sign at the point of display which indicates the item to which the price refers; provided that this information is plainly visible, without the assistance of store personnel.

2. This subdivision shall not apply to merchandise displayed in the window of the electronics store.

3. Notwithstanding the provisions of section 20-485.6 of this subchapter, the civil penalties imposed for a violation of this subdivision shall be those provided for violations of section 20-708 of this title.

c. Receipts. Receipts must be provided for any retail purchase if the amount of the purchase is twenty dollars or more. Receipts must be provided on request for any retail purchase if the amount of the purchase is between five and twenty dollars. Such receipts shall contain:

- 1. the amount of money paid for each item;*
- 2. the total amount of money paid including a separate statement of tax;*
- 3. the date of the purchase;*
- 4. the name and address of the electronics store as listed on the license;*
- 5. the license number of the licensee; and*
- 6. a full description of each item purchased, including the type, color, size; the style or model number and year; and the brand name and manufacturer's name.*

d. Records. Every person licensed to maintain or operate an electronics store shall maintain records, ledgers, receipts, bills and such other written records as the commissioner may prescribe by rule. Such records shall be made available for inspection by the commissioner at his or her request at either the licensee's place of business or at the offices of the department.

§ 20-485.6 Violations. a. The civil penalties imposed pursuant to this section shall be in addition to any other sanctions and orders which may be imposed by the commissioner pursuant to this title including but not limited to such sanctions and orders which may be imposed pursuant to section 20-105 of this code.

b. Notwithstanding the provisions of subdivisions a and b of section 20-106, any person who violates any provision of this subchapter or any rules promulgated thereunder shall be subject to a civil penalty of not less than two hundred and fifty dollars nor more than two thousand dollars for each violation, to be recovered in a civil action.

§ 20-486 Exemptions. The provisions of this subchapter shall not apply to: a. any store which uses less than twenty percent of its display space, as measured by linear feet and not square feet, for the display of electronic goods; or

b. any store that displays fewer than thirty items that are electronic goods in its display space.

§ 20-487 Powers of the commissioner. The authority and power of the commissioner pursuant to this subchapter and chapter one of this title shall extend to all sales and advertising activities of an electronics store and shall not be limited to sales and advertising activities relating to the merchandise described in paragraph b of section 20-484 of this subchapter or to merchandise described in any rules of the commissioner promulgated under this subchapter.

§ 3. This local law shall take effect January 1, 1993, provided that the department of consumer affairs may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, S.S.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on June 1, 1992, and approved by the Mayor on June 17, 1992.

RAYMOND TEATUM, First Deputy and Acting City Clerk

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 38 of 1992, Council Int. No. 12-A contains the correct text and:

Received the following vote at the meeting of the New York City Council on June 1, 1992: 51 for, 0 against.

Was approved by the Mayor on June 17, 1992.

Was returned to the City Clerk on June 17, 1992.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel