



Legislation Text

File #: Int 0175-2002, **Version:** *

Int. No. 175

A Local Law to amend the administrative code of the city of New York, in relation to increasing the civil penalties for violations of section 17-620 of such code prohibiting the sale of tobacco products to minors.

By Council Members Quinn, Avella, DeBlasio, Fidler, Gennaro, Gerson, Martinez, Rivera, Sanders and Liu; also Council Members Koppell and Oddo

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 17-624 of the administrative code, as added by local law number two for the year 2000, is amended to read as follows:

a. Any person found to be in violation of section 17-618[,] or 17-619 [or 17-620] shall be liable for a civil penalty of not more than one thousand dollars for the first violation, and not more than one thousand dollars for each additional violation found on that day; and not more than two thousand dollars for [the] a second and any subsequent violation [and each subsequent violation] found on a subsequent day at the same place of business within a two-year period. Any person found to be in violation of section 17-620 shall be liable for a civil penalty of not more than two thousand dollars for the first violation, and not more than two thousand dollars for each additional violation found on that day; and not more than five thousand dollars for a second and any subsequent violation found on a subsequent day at the same place of business within a two-year period. In addition, for a second violation [occurring on different days at the same place of business within a two-year period] of sections 17-618, 17-619 or 17-620 found on a day subsequent to the day on which the first violation of any such sections was found at the same place of business within a two-year period, any person who engages in business as a retail business as a retail dealer shall be subject to the mandatory revocation of his or her cigarette license for such place of business. For purposes of this section, any violation of section 17-618, 17-

619 or 17-620 by any license holder at a place of business shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the commissioner of consumer affairs with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision e of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original licensee to avoid the effect of violations on the premises. A cigarette license shall be revoked at the same hearing at which a retail dealer is found liable for a second violation or subsequent violations at the same place of business within a two-year period. Any person who shall knowingly make a false statement or who shall falsify or allow to be falsified any record or report required by section 17-621, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than five hundred dollars nor more than one thousand five hundred dollars, or by imprisonment not to exceed six months, or both. Any person who shall make a false statement or who shall falsify or allow to be falsified any record or report required by section 17-621, or who shall fail to maintain any record or submit any report required by section 17-621, shall be liable for a civil penalty of not less than three hundred dollars nor more than one thousand five hundred dollars. Any person who violates section 17-622 shall be liable for a civil penalty of not more than fifty dollars for each violation.

§ 2. Effective date. This local law shall take effect immediately.