

**STATE OF NEW YORK**

6793--A

**IN SENATE**

March 22, 2012

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the county law and the New York city charter, in relation to the docketing of adjudications of violations of laws enforced by the New York city department of consumer affairs

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 918 of the county law, as sepa-  
2 rately amended by chapters 419 and 473 of the laws of 1988, is amended  
3 to read as follows:  
4 4. Any other laws to the contrary notwithstanding, the county clerk in  
5 each of the counties within the city of New York is authorized and  
6 empowered to maintain separate judgment docket volumes containing the  
7 printed transcript or transcripts, in strict alphabetical order of judg-  
8 ment made, entered and docketed in the civil court of the city of New  
9 York against individuals, corporations, and other entities on behalf of  
10 the parking violations bureau, the environmental control board, the taxi  
11 and limousine commission, the department of consumer affairs and the  
12 commissioner of jurors of the city of New York. These volumes may be  
13 maintained in the form of computer print outs which shall contain the  
14 date of judgment, the name and address of the judgment debtor or  
15 debtors, the amount of the judgment and other information which the  
16 county clerk may deem necessary to sufficiently describe the parties to  
17 the action or proceeding or nature or the manner of the entry of the  
18 judgment. Provided, however, with respect to judgments on behalf of the  
19 parking violations bureau the county clerk may, in his or her  
20 discretion, in lieu of such volumes, maintain the aforementioned data in  
21 a micrographic or computer retrievable format. With respect to judg-  
22 ments on behalf of the parking violations bureau such volumes or other  
23 format shall be maintained pursuant to this subdivision for only those  
24 individuals, corporations, and other entities having vehicles registered  
25 in the counties within the city of New York.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD11260-03-2

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1 § 2. Subdivision (g) of section 2203 of the New York city charter, as  
2 added by section 15 of question 2 of local law number 60 of the city of  
3 New York for the year 2010, is amended to read as follows:

4 (g) (1) Notwithstanding any inconsistent provision of law, the depart-  
5 ment shall be authorized, upon due notice and hearing, to impose civil  
6 penalties for the violation of any laws or rules the enforcement of  
7 which is within the jurisdiction of the department pursuant to this  
8 charter, the administrative code or any other general, special or local  
9 law. The department shall have the power to render decisions and orders  
10 and to impose civil penalties for all such violations. Except to the  
11 extent that dollar limits are otherwise specifically provided, such  
12 civil penalties shall not exceed five hundred dollars for each  
13 violation. All proceedings authorized pursuant to this subdivision shall  
14 be conducted in accordance with rules promulgated by the commissioner.  
15 The remedies and penalties provided for in this subdivision shall be in  
16 addition to any other remedies or penalties provided for the enforcement  
17 of such provisions under any other law including, but not limited to,  
18 civil or criminal actions or proceedings.

19 (2) All such proceedings shall be commenced by the service of a notice  
20 of violation. The commissioner shall prescribe the form and wording of  
21 notices of violation. The notice of violation or copy thereof when  
22 filled in and served shall constitute notice of the violation charged,  
23 and, if sworn to or affirmed, shall be prima facie evidence of the facts  
24 contained therein. The notice of violation shall contain information  
25 advising the person charged of the manner and the time in which such  
26 person may either admit or deny the violation charged in the notice.  
27 Such notice of violation shall also contain a warning to advise the  
28 person charged that failure to plead in the manner and time stated in  
29 the notice may result in a default decision and order being entered  
30 against such person. The original or a copy of the notice of violation  
31 shall be filed and retained by the department and shall be deemed a  
32 record kept in the ordinary course of business.

33 (3) Where a respondent has failed to plead within the time allowed by  
34 the rules of the commissioner or has failed to appear on a designated  
35 hearing date or a subsequent date following an adjournment, such failure  
36 to plead or appear shall be deemed, for all purposes, to be an admission  
37 of liability for the purposes of this violation and shall be grounds for  
38 rendering a default decision and order imposing a penalty up to the  
39 maximum amount prescribed under law for the violation charged.

40 (4) Any final order imposing a civil penalty, whether the adjudication  
41 was had by hearing or upon default or otherwise, shall constitute a  
42 judgment that may be entered in the civil court of the city of New York  
43 or any other place provided for the entry of civil judgments within the  
44 state, and may be enforced without court proceedings in the same manner  
45 as the enforcement of money judgments entered in civil actions.

46 (5) The department shall include with the notice of entry of the judg-  
47 ment it serves on the respondent a notice, in a form to be determined by  
48 the commissioner, that:

49 (i) a judgment has been entered in the civil court of the city of New  
50 York or any other place provided for the entry of civil judgments within  
51 the state of New York; and

52 (ii) the respondent shall have the opportunity to request a stay of  
53 enforcement of the judgment for settlement discussions in accordance  
54 with the rules of the department for up to forty-five days after the  
55 entry of the judgment.

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1 Entry of a judgment shall not limit the application of any other reme-  
2 dies or penalties provided for the enforcement of laws or rules under  
3 the jurisdiction of the department.

4 (6) Notwithstanding the foregoing provisions, before a judgment based  
5 upon a default may be so entered, the department must have notified the  
6 respondent:

7 (i) of the default decision and order and penalty imposed;

8 (ii) that a judgment will be entered in the civil court of the city of  
9 New York or any other place provided for the entry of civil judgments  
10 within the state of New York; and

11 (iii) that entry of such judgment may be avoided by requesting a stay  
12 of default for good cause shown and either requesting a hearing or  
13 entering a plea pursuant to the rules of the commissioner within thirty  
14 days of the mailing of such notice.

15 The commissioner shall determine the form of such notice. If the  
16 respondent is a licensee, notice shall be provided by first class mail  
17 at the address the licensee has filed with the department pursuant to  
18 section 20-112 of the administrative code of the city of New York. For  
19 all other respondents, the notice shall be served in the same manner set  
20 forth for service of a notice of violation in paragraph eight of this  
21 subdivision.

22 (7) A judgment entered pursuant to paragraph four of this subdivision  
23 shall remain in full force and effect for eight years.

24 (8) The department shall not enter any final decision or order pursu-  
25 ant to paragraph four of this subdivision unless the notice of violation  
26 shall have been served in the same manner as is prescribed for service  
27 of process by article three of the civil practice law and rules or arti-  
28 cle three of the business corporation law or, for licensees, as provided  
29 in paragraph nine of this subdivision.

30 (9) (i) The department shall serve a notice of violation by mailing a  
31 copy of such notice to the address the licensee has filed with the  
32 department pursuant to section 20-112 of the administrative code of the  
33 city of New York. The department shall also serve a notice of violation  
34 by delivering such notice to a person employed by the respondent at the  
35 premises at which the respondent conducts the business the operation of  
36 which gave rise to the violation. In the case of a business that is  
37 carried out at large and not at a fixed place of business or that has  
38 filed with the department an out-of-state address pursuant to section  
39 20-112 of the administrative code of the city of New York, the depart-  
40 ment shall also serve a licensee or employee of such business at the  
41 location which gave rise to the violation, the secretary of state pursu-  
42 ant to section three hundred four of the business corporation law or an  
43 agent designated for service pursuant to rule three hundred eighteen of  
44 the civil practice law and rules or section three hundred five of the  
45 business corporation law.

46 (ii) Proof of service made pursuant to paragraph eight or this para-  
47 graph shall be filed with the commissioner within twenty days of service  
48 in the manner prescribed; service shall be complete ten days after such  
49 filing.

50 (10) For the purposes of this subdivision, no act or practice shall be  
51 deemed a deceptive trade practice unless it has been declared a decep-  
52 tive trade practice and described with reasonable particularity in a  
53 local law or in a rule or regulation promulgated by the commissioner.

54 [~~4~~] (11) Notwithstanding any other inconsistent provision of law,  
55 powers conferred upon the department by this subdivision may be exer-  
56 cised by the office of administrative trials and hearings consistent

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1 with orders of the mayor issued in accordance with subdivisions two and  
2 three of section one thousand forty-eight of this charter.  
3 § 3. This act shall take effect immediately, and shall only apply to  
4 orders issued on or after the such date.

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**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S6793A

**SPONSOR:** KLEIN

**TITLE OF BILL:**

An act to amend the county law and the New York city charter, in relation to the docketing of adjudications of violations of laws enforced by the New York city department of consumer affairs

**PURPOSE:**

The bill amends the County law and the New York City Charter to authorize the docketing of final orders issued by the Commissioner of Consumer Affairs based upon adjudications by the Department's administrative tribunal. This is a New York City Program Bill Number '12 DCA #1A that was submitted by the New York City Department of Consumer Affairs.

**SUMMARY OF PROVISIONS:**

Section 1: Amends subdivision 4 of section 918 of the County Law to authorize the docketing of final orders issued by the commissioner of Consumer Affairs based upon adjudications by the Department's administrative tribunal.

Section 2: Amends subdivision (g) of section 2203 of the New York City charter to require the Department to include in its notices of violations instructions on how the business may plead or contest the violation and a warning that failure to do so will be deemed an admission, resulting in a default decision. Further, it requires that, before a default judgment can be entered, the Department must notify the business of the default and that the business may request a stay of the default for good cause. The bill requires that Department to include in its civil court notices of entry of money judgments a statement that a business may seek a stay of enforcement of the judgment for up to forty-five days after entry of the judgment to settle the matter. The bill also requires that the Department serve the underlying notice of violation in the manner prescribed by the Civil Practice Law and Rules (CPLR) or the Business Corporation Law (BCL) for all respondents that are not licensees of the Department.

For businesses that are licensed by the Department, the bill requires that the Department serve the violation on an employee of the licensee at the licensee's place of business.

For businesses which by their nature are carried out at-large and not at a fixed location or which are located out-of-state, the bill provides three options for service of the violation. 1.) the Department serve a licensee or employee of those business at the location where the violation Occurred, 2.) on the Secretary of State, or 3.) on an agent designated for service. In all instances, the Department is also required to serve the notice of violation by mailing a copy of the notice to the address the licensee has filed with the Department.

**JUSTIFICATION:**

New York City Program Bill developed by the NYC Department of Consumer Affairs. The NYC Department of Consumer Affairs' (DCA) mission is to ensure a fair and vibrant marketplace for businesses and consumers. Law-abiding businesses and consumers alike benefit from, and have every reason to expect, a competitive marketplace, but competition suffers when some businesses don't play by the rules.

DCA's Administrative Tribunal has the authority to assess fines against businesses that violate the City's rules that protect a competitive marketplace. Some businesses readily comply with the law; others come into compliance and pay the fine; still others ignore the law entirely. Existing law does not, however, allow DCA to docket unpaid fines issued by its Administrative Tribunal as money judgments, without court proceedings. Currently, fines can be collected only by means of costly and time-consuming collection efforts and Civil Court proceedings. As a result, licensees may choose to abandon their licenses to evade fines, while non-licensees ignore their obligation to pay. This deprives DCA of the most effective enforcement mechanism, and the City of much-needed revenue.

By authorizing DCA to directly docket the fines issued by its Administrative Tribunal, this legislation will give teeth to the City's laws and rules protecting a competitive and fair marketplace. At the same time, this legislation includes a number of protections to ensure businesses have adequate notice of violations and default judgments and that they are given a fair opportunity to make their case.

The bill sets strong standards by which an underlying notice of violations must be served if DCA is to enter a judgment. In setting forth how business must be served, the bill distinguishes between businesses by delivering the notice of violation to a person employed at the place of business which gave rise to the violation. The bill provides three options to DCA regarding licensed businesses that are carried out at large or are based out of state. For those businesses, the bill requires DCA to serve violation on an employee at the location which gave rise to the violation, or on the Secretary of State, or on an agent designated for service pursuant to the CPLR or the Business Corporation Law. For all licensees, DCA must also send a copy of all notices of violation to the business at the location on file with the agency pursuant to Administrative Code Section 20-112. Businesses that are not licensees must be served in accordance with the Civil Practice Law and Rules or the Business Corporation Law.

To further protect businesses, the bill requires DCA to provide instructions on how they may plead or contest the violation and a warning that failure to do so will be deemed an admission, resulting in a default decision. The bill takes an additional step to protect businesses by requiring that DCA include in its civil court notices of entry of money judgments a statement that a business may seek a stay of enforcement of the judgment for up to forty-five days after entry of the judgment to settle the matter.

This bill will strengthen government's ability to apply the laws equally for all businesses and streamline the City's efforts to collect fines that have been duly assessed, while at the same time taking numerous steps to ensure businesses are given a fair chance to contest violations.

LEGISLATIVE HISTORY:

Similar to S.5521. This is New York City's revised bill to supplant S.5521.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect immediately.

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**STATE OF NEW YORK**

10258--A

**IN ASSEMBLY**

May 16, 2012

Introduced by M. of A. CAMARA -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the county law and the New York city charter, in relation to the docketing of adjudications of violations of laws enforced by the New York city department of consumer affairs

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 918 of the county law, as separately amended by chapters 419 and 473 of the laws of 1988, is amended to read as follows:

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4 4. Any other laws to the contrary notwithstanding, the county clerk in each of the counties within the city of New York is authorized and empowered to maintain separate judgment docket volumes containing the printed transcript or transcripts, in strict alphabetical order of judgment made, entered and docketed in the civil court of the city of New York against individuals, corporations, and other entities on behalf of the parking violations bureau, the environmental control board, the taxi and limousine commission, the department of consumer affairs and the commissioner of jurors of the city of New York. These volumes may be maintained in the form of computer print outs which shall contain the date of judgment, the name and address of the judgment debtor or debtors, the amount of the judgment and other information which the county clerk may deem necessary to sufficiently describe the parties to the action or proceeding or nature or the manner of the entry of the judgment. Provided, however, with respect to judgments on behalf of the parking violations bureau the county clerk may, in his or her discretion, in lieu of such volumes, maintain the aforementioned data in a micrographic or computer retrievable format. With respect to judgments on behalf of the parking violations bureau such volumes or other format shall be maintained pursuant to this subdivision for only those individuals, corporations, and other entities having vehicles registered in the counties within the city of New York.

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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD11260-04-2



A. 10258--A

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1 § 2. Subdivision (g) of section 2203 of the New York city charter, as  
2 added by section 15 of question 2 of local law number 60 of the city of  
3 New York for the year 2010, is amended to read as follows:

4 (g) (1) Notwithstanding any inconsistent provision of law, the depart-  
5 ment shall be authorized, upon due notice and hearing, to impose civil  
6 penalties for the violation of any laws or rules the enforcement of  
7 which is within the jurisdiction of the department pursuant to this  
8 charter, the administrative code or any other general, special or local  
9 law. The department shall have the power to render decisions and orders  
10 and to impose civil penalties for all such violations. Except to the  
11 extent that dollar limits are otherwise specifically provided, such  
12 civil penalties shall not exceed five hundred dollars for each  
13 violation. All proceedings authorized pursuant to this subdivision shall  
14 be conducted in accordance with rules promulgated by the commissioner.  
15 The remedies and penalties provided for in this subdivision shall be in  
16 addition to any other remedies or penalties provided for the enforcement  
17 of such provisions under any other law including, but not limited to,  
18 civil or criminal actions or proceedings.

19 (2) All such proceedings shall be commenced by the service of a notice  
20 of violation. The commissioner shall prescribe the form and wording of  
21 notices of violation. The notice of violation or copy thereof when  
22 filled in and served shall constitute notice of the violation charged,  
23 and, if sworn to or affirmed, shall be prima facie evidence of the facts  
24 contained therein. The notice of violation shall contain information  
25 advising the person charged of the manner and the time in which such  
26 person may either admit or deny the violation charged in the notice.  
27 Such notice of violation shall also contain a warning to advise the  
28 person charged that failure to plead in the manner and time stated in  
29 the notice may result in a default decision and order being entered  
30 against such person. The original or a copy of the notice of violation  
31 shall be filed and retained by the department and shall be deemed a  
32 record kept in the ordinary course of business.

33 (3) Where a respondent has failed to plead within the time allowed by  
34 the rules of the commissioner or has failed to appear on a designated  
35 hearing date or a subsequent date following an adjournment, such failure  
36 to plead or appear shall be deemed, for all purposes, to be an admission  
37 of liability for the purposes of this violation and shall be grounds for  
38 rendering a default decision and order imposing a penalty up to the  
39 maximum amount prescribed under law for the violation charged.

40 (4) Any final order imposing a civil penalty, whether the adjudication  
41 was had by hearing or upon default or otherwise, shall constitute a  
42 judgment that may be entered in the civil court of the city of New York  
43 or any other place provided for the entry of civil judgments within the  
44 state, and may be enforced without court proceedings in the same manner  
45 as the enforcement of money judgments entered in civil actions.

46 (5) The department shall include with the notice of entry of the judg-  
47 ment it serves on the respondent a notice, in a form to be determined by  
48 the commissioner, that:

49 (i) a judgment has been entered in the civil court of the city of New  
50 York or any other place provided for the entry of civil judgments within  
51 the state of New York; and

52 (ii) the respondent shall have the opportunity to request a stay of  
53 enforcement of the judgment for settlement discussions in accordance  
54 with the rules of the department for up to forty-five days after the  
55 entry of the judgment.

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1 Entry of a judgment shall not limit the application of any other reme-  
2 dies or penalties provided for the enforcement of laws or rules under  
3 the jurisdiction of the department.

4 (6) Notwithstanding the foregoing provisions, before a judgment based  
5 upon a default may be so entered, the department must have notified the  
6 respondent:

7 (i) of the default decision and order and penalty imposed;

8 (ii) that a judgment will be entered in the civil court of the city of  
9 New York or any other place provided for the entry of civil judgments  
10 within the state of New York; and

11 (iii) that entry of such judgment may be avoided by requesting a stay  
12 of default for good cause shown and either requesting a hearing or  
13 entering a plea pursuant to the rules of the commissioner within thirty  
14 days of the mailing of such notice.

15 The commissioner shall determine the form of such notice. If the  
16 respondent is a licensee, notice shall be provided by first class mail  
17 at the address the licensee has filed with the department pursuant to  
18 section 20-112 of the administrative code of the city of New York. For  
19 all other respondents, the notice shall be served in the same manner set  
20 forth for service of a notice of violation in paragraph eight of this  
21 subdivision.

22 (7) A judgment entered pursuant to paragraph four of this subdivision  
23 shall remain in full force and effect for eight years.

24 (8) The department shall not enter any final decision or order pursu-  
25 ant to paragraph four of this subdivision unless the notice of violation  
26 shall have been served in the same manner as is prescribed for service  
27 of process by article three of the civil practice law and rules or arti-  
28 cle three of the business corporation law or, for licensees, as provided  
29 in paragraph nine of this subdivision.

30 (9) (i) The department shall serve a notice of violation by mailing a  
31 copy of such notice to the address the licensee has filed with the  
32 department pursuant to section 20-112 of the administrative code of the  
33 city of New York. The department shall also serve a notice of violation  
34 by delivering such notice to a person employed by the respondent at the  
35 premises at which the respondent conducts the business the operation of  
36 which gave rise to the violation. In the case of a business that is  
37 carried out at large and not at a fixed place of business or that has  
38 filed with the department an out-of-state address pursuant to section  
39 20-112 of the administrative code of the city of New York, the depart-  
40 ment shall also serve a licensee or employee of such business at the  
41 location which gave rise to the violation, the secretary of state pursu-  
42 ant to section three hundred four of the business corporation law or an  
43 agent designated for service pursuant to rule three hundred eighteen of  
44 the civil practice law and rules or section three hundred five of the  
45 business corporation law.

46 (ii) Proof of service made pursuant to paragraph eight or this para-  
47 graph shall be filed with the commissioner within twenty days of service  
48 in the manner prescribed; service shall be complete ten days after such  
49 filing.

50 (10) For the purposes of this subdivision, no act or practice shall be  
51 deemed a deceptive trade practice unless it has been declared a decep-  
52 tive trade practice and described with reasonable particularity in a  
53 local law or in a rule or regulation promulgated by the commissioner.

54 [+4+] (11) Notwithstanding any other inconsistent provision of law,  
55 powers conferred upon the department by this subdivision may be exer-  
56 cised by the office of administrative trials and hearings consistent

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1 with orders of the mayor issued in accordance with subdivisions two and  
2 three of section one thousand forty-eight of this charter.  
3 § 3. This act shall take effect immediately, and shall only apply to  
4 orders issued on or after the such date.

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**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A10258A

**SPONSOR:** Camara

**TITLE OF BILL:** An act to amend the county law and the New York city charter, in relation to the docketing of adjudications of violations of laws enforced by the New York city department of consumer affairs

**PURPOSE:** The bill amends the County law and the New York City Charter to authorize the docketing of final orders issued by the Commissioner of Consumer Affairs based upon adjudications by the Department's administrative tribunal. This is a New York City Program Bill Number '12 DCA #1A that was submitted by the New York City Department of Consumer Affairs.

**SUMMARY OF PROVISIONS:**

Section 1: Amends subdivision 4 of section 918 of the County Law to authorize the docketing of final orders issued by the commissioner of Consumer Affairs based upon adjudications by the Department's administrative tribunal.

Section 2: Amends subdivision (g) of section 2203 of the New York City charter to require the Department to include in its notices of violations instructions on how the business may plead or contest the violation and a warning that failure to do so will be deemed an admission, resulting in a default decision. Further, it requires that, before a default judgment can be entered, the Department must notify the business of the default and that the business may request a stay of the default for good cause. The bill requires that Department to include in its civil court notices of entry of money judgments a statement that a business may seek a stay of enforcement of the judgment for up to forty-five days after entry of the judgment to settle the matter. The bill also requires that the Department serve the underlying notice of violation in the manner prescribed by the Civil Practice Law and Rules (MGR) or the Business Corporation Law (BCL) for all respondents that are not licensees of the Department.

For businesses that are licensed by the Department, the bill requires that the Department serve the violation on an employee of the licensee at the licensee's place of business.

For businesses which by their nature are carried out at-large and not at a fixed location or which are located out-of-state, the bill provides three options for service of the violation. 1.) the Department serve a licensee or employee of those business at the location where the violation occurred, 2.) on the Secretary of State, or 3.) on an agent designated for service. In all instances, the Department is also required to serve the notice of violation by mailing a copy of the notice to the address the licensee has filed with the Department.

**JUSTIFICATION:** New York City Program Bill developed by the NYC Department of Consumer Affairs. The NYC Department of Consumer Affairs' (DCA) mission is to ensure a fair and vibrant marketplace for businesses and consumers. Law-abiding businesses and consumers alike benefit from, and have every reason to expect, a competitive marketplace, but competition suffers when some businesses don't play by the rules.

DCA's Administrative Tribunal has the authority to assess fines against businesses that violate the City's rules that protect a competitive marketplace. Some businesses readily comply with the law; others come into compliance and pay the fine; still others ignore the law entirely. Existing law does not, however, allow DCA to docket unpaid fines issued by its Administrative Tribunal as money judgments, without court proceedings. Currently, fines can be collected only by means of costly and time-consuming collection efforts and Civil Court proceedings. As a result, licensees may choose to abandon their licenses to evade fines, while non-licensees ignore their obligation to pay. This deprives DCA of the most effective enforcement mechanism, and the City of much-needed revenue.

By authorizing DCA to directly docket the fines issued by its Administrative Tribunal, this legislation will give teeth to the City's laws and rules protecting a competitive and fair marketplace. At the same time, this legislation includes a number of protections to ensure businesses have adequate notice of violations and default judgments and that they are given a fair opportunity to make their case.

The bill sets strong standards by which an underlying notice of violations must be served if DCA is to enter a judgment. In setting forth how business must be served, the bill distinguishes between businesses by delivering the notice of violation to a person employed at the place of business which gave rise to the violation. The bill provides three options to DCA regarding licensed businesses that are carried out at large or are based out of state. For those businesses, the bill requires DCA to serve violation on an employee at the location which gave rise to the violation, or on the Secretary of State, or on an agent designated for service pursuant to the CPLR or the Business Corporation Law. For all licensees, DCA must also send a copy of all notices of violation to the business at the location on file with the agency pursuant to Administrative Code Section 20-112. Businesses that are not licensees must be served in accordance with the Civil Practice Law and Rules or the Business Corporation Law.

To further protect businesses, the bill requires DCA to provide instructions on how they may plead or contest the violation and a warning that failure to do so will be deemed an admission, resulting in a default decision. The bill takes an additional step to protect businesses by requiring that DCA include in its civil court notices of entry of money judgments a statement that a business may seek a stay of enforcement of the judgment for up to forty-five days after entry of the judgment to settle the matter.

This bill will strengthen government's ability to apply the laws equally for all businesses and streamline the City's efforts to collect fines that have been duly assessed, while at the same time taking numerous steps to ensure businesses are given a fair chance to contest violations.

LEGISLATIVE HISTORY: Similar to-S.5521. This is New York City's revised bill to supplant S.5521,

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect immediately.

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