

New York City Department of Consumer Affairs

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Consumer Affairs (“DCA” or “Department”) is proposing to amend Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York, which establishes fixed penalties for the violations of the laws and rules, affecting the following areas:

- Tobacco retail dealers, to add violations for new Department of Health and Mental Hygiene rules related to price floors for certain tobacco products and non-tobacco shisha;
- Electronic and home appliance service dealers, to incorporate a recent rule change that eliminated a violation previously contained in Section 2-253 of Title 6 of the Rules of the City of New York;
- Consumer protection law, to add an entry for violations of the provisions relating to sales and discounts located in Part 7 of Subchapter A of Chapter 5 of the Rules of the City of New York;
- Public safety violations, to add an entry for violations of 10-117(d) of the Administrative Code, which prohibits displaying aerosol spray paint cans, broad tipped indelible markers or etching acid; and
- Expanded polystyrene items, which were the subject of recent legislation from the New York City Council.

When and where is the hearing? The Department will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 AM on Monday, December 3, 2018. The hearing will be in the Department’s hearing room at 42 Broadway, 5th Floor, New York, NY 10004.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DCA through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rulecomments@dca.nyc.gov.
- **Mail.** You can mail comments to Casey Adams, Director of City Legislative Affairs, New York City Department of Consumer Affairs, 42 Broadway, 8th Floor, New York, NY 10004.
- **Fax.** You can fax comments to Casey Adams, Director of City Legislative Affairs, (646) 500-5962.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling (212) 436-0095. You can also sign up in the hearing room before the hearing begins on Monday, December 3, 2018. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes. You must submit any written comments to the proposed rule by 5:00 PM on Monday, December 3, 2018.

What if I need assistance to participate in the hearing? You must tell the Department’s External Affairs Division if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 436-0095 or by email to cadams@dca.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by 5:00 PM on Thursday, November 28, 2018.

This location has the following accessibility option(s) available: wheelchair accessible.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, all comments received by DCA on the proposed rule will be made available to the public online at <http://www1.nyc.gov/site/dca/about/public-hearings-comments.page>.

What authorizes the Department of Consumer Affairs to make this rule? Sections 1043, 2203(f), and 2203(h)(1) of the New York City Charter, and Sections 10-117, 16-329(g), 17-176.1(g), 20-104(b), 20-418, and 20-702 of the New York City Administrative Code authorize the Commissioner of the Department to make this proposed rule. This proposed rule was not included in DCA's regulatory agenda for this Fiscal Year because it was not contemplated when DCA published the agenda.

Where can I find the Department's rules? The Department's rules are in Title 6 of the Rules of the City of New York.

What laws govern the rulemaking process? The Department must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

First, DCA seeks to amend its penalty schedule for tobacco retail dealers at Section 6-12 of Subchapter B, Chapter 6, of Title 6 of the Rules of the City of New York by adding a penalty provision for violations of 24 RCNY § 13-03. The Department of Health and Mental Hygiene recently adopted rules related to the price floors for certain tobacco products and non-tobacco shisha. These rules can be found at Sections 13-02 to 13-03 of Title 24 of the Rules of the City of New York. DCA will be enforcing these new rules. The penalties for violations of these rules are provided by Section 17-176.1(f) of Title 17 of the New York City Administrative Code.

Second, DCA seeks to amend the penalty schedule for electronic or home appliance service dealers located at Section 6-31 of Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York. Recently, DCA amended Section 2-253 of Title 6 of the Rules of the City of New York to eliminate a violation relating to electronic and home appliance service dealers, which was set forth as 6 RCNY § 253(a)(3). DCA now seeks to update the penalty schedule to incorporate this recent change by deleting the reference to that repealed provision and updating the penalty schedule to reflect the renumbering of the required notice provision.

Third, DCA seeks to amend the penalty schedule for the consumer protection law located at Section 6-47 of Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York. This penalty schedule should contain an entry for violations of Part 7 of Subchapter A of Chapter 5 of the Rules of the City of New York relating to sales and discounts – namely, 6 RCNY § 5-87 through 6 RCNY § 5-103. The penalties for such violations are contained in Section 20-703(a) of the New York City Administrative Code.

Fourth, DCA seeks to amend the penalty schedule for public safety violations located at Section 6-61 of Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York. This penalty schedule should contain an entry for violations of Section 10-117(d) of the Administrative Code, which prohibits displaying aerosol spray

paint cans, broad tipped indelible markers or etching acid. The penalties for such violations are contained in Section 10-117(g), and DCA's authority to enforce is contained in Section 10-117(h).

Finally, Local Law 142 of 2013 amended Title 16 of the New York City Administrative Code to restrict the sale of certain expanded polystyrene items. Local Law 142 grants to the Department, among others, the power to enforce these restrictions. To implement Local Law 142, DCA seeks to add a new rule, Section 6-70, to Subchapter B, Chapter 6, of Title 6 of the Rules of the City of New York, to establish fixed penalties for violations of this law.

DCA's authority for these rules is found in Sections 1043, 2203(f), and 2203(h)(1) of the New York City Charter, and Sections 10-117, 16-329(g), 17-176.1(g), 20-104(b), 20-418, and 20-702 of the New York City Administrative Code.

This proposed rule is not subject to analysis under section 1043(d) of the Charter, pursuant to section 1043(d)(4)(ii).

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Proposed Rules

Section 1. Sections 6-12, 6-31, 6-47 and 6-61 of Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York are amended to read as follows:

§ 6-12 Tobacco Retail Dealer Penalty Schedule.

All citations are to Title 20 of the Administrative Code of the City of New York, Title 17 of the Administrative Code of the City of New York, Title 24 of the Rules of the City of New York, or the New York Public Health Law.

Unless otherwise specified, the penalties set forth for each section of law or rule shall also apply to all subdivisions, paragraphs, subparagraphs, clauses, items, or any other provision contained therein. Each subdivision, paragraph, subparagraph, clause, item, or other provision charged in the Notice of Violation shall constitute a separate violation of the law or rule.

Unless otherwise specified by law, for violations of Title 20 of the Administrative Code, a second or third or subsequent violation means a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within three years of the prior violation(s).

Unless otherwise specified by law, for violations of § 17-176.1 of Title 17 of the Administrative Code or of § 13-03 of Chapter 13 of Title 24 of the Rules of the City of New York, a second or third or subsequent violation means a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within five years of the prior violation(s).

For sections of law marked by a single asterisk (*), a second, third or subsequent violation means a violation of § 17-703, § 17-703.2, § 17-704, Subdivision (a) of § 17-704.1, § 17-705, or subdivisions (a) or (b) of § 17-706 of Title 17 of the Administrative Code, or any combination of such provisions, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement, at the same place of business within a three-year period.

Unless otherwise specified by law, for violations of § 17-715 of Title 17 of the Administrative Code, a second or third or subsequent violation means a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within three years of the prior violation(s).

At a hearing, points assigned to a respondent's New York State tobacco registration record may be reduced, pursuant to New York Public Health Law § 1399-ee(3)(a).

In certain cases, the Department may ask for license suspension, revocation, or sealing as permitted by statute. If a respondent is found in violation of multiple provisions that require a suspension period, the suspension periods shall run concurrently.

The parties shall be authorized to present evidence to mitigate the license revocation or suspension period within the date range marked by two asterisks (**).

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third and Subsequent Violation	Third and Subsequent Default
Admin Code § 20-202 (a)(1)	Engaging in unlicensed tobacco retail dealer activity	\$2,000, plus \$100 per day	\$2,000, plus \$100 per day	\$2,000, plus \$100 per day	\$2,000, plus \$100 per day	\$2,000, plus \$100 per day	\$2,000, plus \$100 per day
Admin Code § 20-202 (a)(2)	Permitting premises to be used for unlicensed tobacco retail dealer activity	\$1,500	\$2,000	\$1,800	\$2,000	\$2,000	\$2,000
Admin Code § 20-202 (d)(2)	Failure to display license conspicuously	\$1,500	\$2,000	\$1,800	\$2,000	\$2,000	\$2,000
Admin Code § 20-203	Failure to comply with recordkeeping and inspection requirements	\$1,500	\$2,000	\$1,800	\$2,000	\$2,000	\$2,000
Admin Code § 20-205	Engaged in prohibited sales or purchases	\$1,500	\$2,000	\$1,800	\$2,000	\$2,000	\$2,000
Admin Code § 17-176.1(b)	Selling discounted cigarettes	\$1,000	\$1,000	\$2,000	\$2,000	\$5,000	\$5,000
Admin Code § 17-176.1(c)	Selling discounted tobacco products	\$1,000	\$1,000	\$2,000	\$2,000	\$5,000	\$5,000
Admin Code § 17-176.1(d)	Selling cigarettes or tobacco products below the price floor	\$1,000	\$1,000	\$2,000	\$2,000	\$5,000	\$5,000
Admin Code § 17-703*	Operating as a wholesale dealer without a license	\$5,000	\$5,000	\$10,000 (plus revocation)	\$10,000 (plus revocation)	\$10,000 (plus revocation)	\$10,000 (plus revocation)

Admin Code § 17-703.1	Failure of retail dealer to post sign in conspicuous place that cigarettes must be in packages bearing valid tax stamps	\$500	\$500	\$500	\$500	\$500	\$500
Admin Code § 17-704(a)*	Selling or offering for sale cigarettes or tobacco products that have been removed from packaging that bears a health warning	\$1,000	\$1,000	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)
Admin Code § 17-704 (a-1) through (f)*	Violation of minimum package sizes for cigarettes or tobacco products	\$1,000	\$1,000	\$2,000	\$2,000	\$2,000	\$2,000
Admin Code § 17-704.1 (a)*	Unlawful delivery of cigarettes or tobacco products	\$1,000	\$1,000	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)
Admin Code § 17-705*	Failure to comply with age restrictions on handling	\$1,000	\$1,000	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)
Admin Code § 17-706(a)*	Unlawful sale of cigarettes, tobacco products, or liquid nicotine to an individual under 21	\$1,000	\$1,000	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)
Admin Code § 17-706(b)*	Unlawful sale of non-tobacco smoking products to an individual under 18	\$1,000	\$1,000	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)	\$2,000 (plus revocation)
Admin Code § 17-706(c)	No minimum age sign violation/missing information on sign	\$500	\$500	\$500	\$500	\$500	\$500
Admin Code § 17-715	Unlawful sale of flavored tobacco	\$1,000	\$1,000	\$2,000	\$2,000	\$5,000 (plus 1 to 90 day suspension)**	\$5,000 (plus one year suspension)
NY Pub Health § 1399-CC(2) (sign)	Failure to conspicuously post the required tobacco sign	\$1,000	\$1,000	\$1,500	\$1,500	\$1,500	\$1,500
NY Pub Health § 1399-CC(2) (sale)	Unlawful sale of tobacco products, herbal cigarettes, liquid nicotine, shisha or electronic cigarettes to an individual under eighteen years of age	\$1,000 (plus 2 points on NYS registration)	\$1,000 (plus 2 points on NYS registration)	\$1,500 (plus 2 points on NYS registration)	\$1,500 (plus 2 points on NYS registration)	\$1,500 (plus 2 points on NYS registration)	\$1,500 (plus 2 points on NYS registration)
NY Pub Health § 1399-CC(3)	Failure to obtain proper identification from purchaser	\$1,000	\$1,000	\$1,500	\$1,500	\$1,500	\$1,500
NY Pub Health § 1399-CC(5)	Improper use of the electronic transaction information	\$1,000	\$1,000	\$1,500	\$1,500	\$1,500	\$1,500
NY Pub Health § 1399-CC(7)	Failure to store tobacco products or herbal cigarettes behind a counter accessible only to store personnel or in a locked container	\$1,000	\$1,000	\$1,500	\$1,500	\$1,500	\$1,500

NY Pub Health § 1399-DD	Unlawful sale of tobacco products, herbal cigarettes, or electronic cigarettes in vending machines	\$1,000	\$1,000	\$1,500	\$1,500	\$1,500	\$1,500
NY Pub Health § 1399-EE(2)	Unlawful sale of tobacco products or herbal cigarettes with a suspended or revoked NYS tobacco registration	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500
NY Pub Health § 1399-GG	Unlawful out-of-package sales or minimum package size	\$1,000	\$1,000	\$1,500	\$1,500	\$1,500	\$1,500
NY Pub Health § 1399-LL	Failure to comply with regulations prohibiting the sale of bids	\$500	\$500	\$500	\$500	\$500	\$500
NY Pub Health § 1399-MM	Failure to comply with the regulations prohibiting the sale of gutka	\$500	\$500	\$500	\$500	\$500	\$500
<u>24 RCNY § 13-03</u>	<u>Failure to comply with price floors for little cigars, cigars, smokeless tobacco, snus, shisha, non-tobacco shisha, or loose tobacco</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$2,000</u>	<u>\$2,000</u>	<u>\$5,000</u>	<u>\$5,000</u>
24 RCNY § 28-06	Unlawful sale of tobacco product or non-tobacco product designed for consumption through the inhalation of smoke not in original packaging	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000

§ 6-31 Electronic or Home Appliance Service Dealer Penalty Schedule.

All citations are to Title 20 of the Administrative Code of the City of New York or Title 6 of the Rules of the City of New York.

Unless otherwise specified, the penalties set forth for each section of law or rule shall also apply to all subdivisions, paragraphs, subparagraphs, clauses, items, or any other provision contained therein. Each subdivision, paragraph, subparagraph, clause, item, or other provision charged in the Notice of Violation shall constitute a separate violation of the law or rule.

For the fine amounts marked by a single asterisk, if the respondent timely submits the appropriate proof of having cured a first-time violation, the respondent will not be subject to a civil penalty pursuant to Local Law 153 of 2013.

Unless otherwise specified by law, a second or third or subsequent violation means a sustained violation by the same respondent of the same provision of law, rule, or regulation within two years of the prior violation(s).

In certain cases, the Department may ask for license suspension or revocation, as permitted by statute. If a respondent is found in violation of multiple provisions that require a suspension period, the suspension periods shall run concurrently.

The parties shall be authorized to present evidence to mitigate the license revocation or suspension period within

the date range marked by two asterisks (**).

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third and Subsequent Violation	Third and Subsequent Default
Admin Code § 20-412	Operating business as an electronic or home appliance service dealer without a license	\$100 per day	\$100 per day	\$100 per day	\$100 per day	\$100 per day	\$100 per day
Admin Code § 20-417	Failure to comply with the duties of an electronic or home appliance service dealer licensee	\$375	\$500	\$450	\$500	\$500	\$500
Admin Code § 20-420	Engaging in prohibited practices	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 2-251	Engaging in prohibited practices	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 2-252	Improper advertising by service dealers	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 2-253	Failure to display required information	\$260	\$350	\$450	\$500	\$500	\$500
6 RCNY § 2-253(a)(1)	Failure to display required information regarding service dealer's true identity	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 2-253(a)(2)	Failure to display required information regarding "cash only" or "cash or certified check" only policy	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 2-253(a)(3)	Failure to display required [information regarding the availability for review of the Department's regulations] <u>notice</u>	\$375*	\$500*	\$450	\$500	\$500	\$500
[6 RCNY § 2-253(a)(4)]	[Failure to display required notice]	[\$375*]	[\$500*]	[\$450]	[\$500]	[\$500]	[\$500]
6 RCNY § 2-254	Failure to comply with disclosure required for repairs made on licensee's premises	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 2-255	Failure to comply with disclosure required for repairs made in the customer's home	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 2-256	Failure to comply with estimated completion date requirements	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 2-257	Failure to comply with final bill requirements	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 2-258	Failure to give or maintain copies of documents	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 2-259	Improper return of removed parts	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 2-260	Failure to comply with the picture tubes requirements	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 2-261	Improper warranty or guarantees	\$375	\$500	\$450	\$500	\$500	\$500

6 RCNY § 2-262	Improper insurance coverage	\$500 (plus 0 to 15 day suspension)**	\$500 (plus 15 day suspension)	\$500 (plus 0 to 30 day suspension)**	\$500 (plus 30 day suspension)	\$500 (plus license revocation)**	\$500 (plus license revocation)
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§ 6-47 Consumer Protection Law Penalty Schedule.

All citations are to Title 20 of the Administrative Code of the City of New York or Title 6 of the Rules of the City of New York.

Unless otherwise specified, the penalties set forth for each section of law or rule shall also apply to all subdivisions, paragraphs, subparagraphs, clauses, items, or any other provision contained therein. Each subdivision, paragraph, subparagraph, clause, item, or other provision charged in the Notice of Violation shall constitute a separate violation of the law or rule.

For the fine amounts marked by a single asterisk, if the respondent timely submits the appropriate proof of having cured a first-time violation, the respondent will not be subject to a civil penalty pursuant to Local Law 153 of 2013.

Unless otherwise specified by law, a second or third or subsequent violation means a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within two years of the prior violation(s).

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third and Subsequent Violation	Third and Subsequent Default
Admin Code § 20-700	Engaged in an unlawful deceptive or unconscionable trade practice	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-23	Failure to meet the requirement(s) for layaway plans	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-24	Failure to meet requirement(s) for credit card limitations	\$260*	\$350*	\$315	\$350	\$350	\$350
6 RCNY § 5-32	Failure to meet the requirement(s) for documentation of transactions	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-36	Failure to meet the requirement(s) for sale of used items	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-37	Failure to comply with disclosure of refund policy requirements	\$260*	\$350*	\$315	\$350	\$350	\$350
6 RCNY § 5-39	Failure to meet the requirements for cancellation of home appointment	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-40	Improper limit or disclaimer of liability for negligence	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-40(e)	Improper posting of sign that business is not liable for negligence	\$260*	\$350*	\$315	\$350	\$350	\$350
6 RCNY § 5-41	Collected sales tax on sale of good or service not subject to such tax under Article 28 of the NYS Tax Law or rule and regulations promulgated thereunder	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-46	Failure to meet the requirement(s) for a car rental business	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-46(d)	Failure to post notice of consumer protection law	\$260*	\$350*	\$315	\$350	\$350	\$350

6 RCNY § 5-47	Failure to meet the requirement(s) for jewelry sellers and appraisers	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-51	Failure to meet the requirement(s) for retail sale of gasoline	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-54	Failure to meet the requirement(s) for repairs of consumer goods	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-55	Failure to meet the requirement(s) for meat and poultry advertising	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-56	Failure to meet the requirement(s) for window gates	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-57	Failure to meet the requirement(s) for utility bill payments	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-58	Improper offer of sale of food in damaged containers	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-59	Improper imposition of restaurant surcharges	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-60	Failure to meet the requirement(s) for franchises	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-61	Failure to meet the requirement(s) for public performance seats	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-63	Failure to meet the requirement(s) for catering contracts	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-68	Failure to meet the requirements for dealers at flea markets	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-69	Failure to meet the requirements of blood pressure reading services	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-70	Failure to meet the requirements for retail service establishments	\$260	\$350	\$315	\$350	\$350	\$350
6 RCNY § 5-73	Failure to meet the requirement(s) for the sale of box cutters	\$350	\$350	\$350	\$350	\$350	\$350
6 RCNY § 5-75	Failure to post the Buyer's Guide when selling or offering to sell any used automobile	\$260	\$350	\$315	\$350	\$350	\$350
<u>6 RCNY § 5-87 through 6 RCNY 5-103</u>	<u>Prohibited conduct in offering sales or discounts and related recordkeeping requirements</u>	<u>\$260</u>	<u>\$350</u>	<u>\$315</u>	<u>\$350</u>	<u>\$350</u>	<u>\$350</u>

§ 6-61 Public Safety Penalty Schedule.

All citations are to Title 10 of the Administrative Code of the City of New York or Title 6 of the Rules of the City of New York.

Unless otherwise specified, the penalties set forth for each section of law or rule shall also apply to all subdivisions, paragraphs, subparagraphs, clauses, items, or any other provision contained therein. Each subdivision, paragraph, subparagraph, clause, item, or other provision charged in the Notice of Violation shall constitute a separate violation of the law or rule.

Unless otherwise specified by law, a second or third or subsequent violation shall mean a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within two years of the prior violation(s).

The parties shall be authorized to present evidence to mitigate the premise sealing period within the date range marked by two asterisks (**).

<u>Citation</u>	<u>Violation Description</u>	<u>First Violation</u>	<u>First Default</u>	<u>Second Violation</u>	<u>Second Default</u>	<u>Third and Subsequent Violation</u>	<u>Third and Subsequent Default</u>
<u>Admin Code § 10-117(d)</u>	<u>Placing aerosol spray paint cans, broad tipped indelible markers or etching acid on display</u>	<u>\$375</u>	<u>\$500</u>	<u>\$900</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>
<u>Admin Code § 10-131(g)</u>	<u>Unlawful sale of a toy or imitation firearm</u>	<u>\$5,000</u>	<u>\$5,000</u>	<u>\$8,000</u>	<u>\$8,000</u>	<u>\$8,000 (plus 0 to 5 day sealing)**</u>	<u>\$8,000 (plus 5 day sealing)</u>
<u>Admin Code § 10-160(b)</u>	<u>Failure to comply with required security measures at ATM facilities</u>	<u>\$250</u>	<u>\$250</u>	<u>\$250</u>	<u>\$250</u>	<u>\$250</u>	<u>\$250</u>
<u>Admin Code § 10-134.2</u>	<u>Failure to comply with the requirements pertaining to the sale of laser pointers</u>	<u>\$300</u>	<u>\$300</u>	<u>\$500</u>	<u>\$500</u>	<u>\$1,000</u>	<u>\$1,000</u>
<u>6 RCNY § 4-10</u>	<u>Improper sign content regarding laser pointers</u>	<u>\$300</u>	<u>\$300</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>6 RCNY § 4-11</u>	<u>Improper size of sign regarding laser pointers</u>	<u>\$300</u>	<u>\$300</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>6 RCNY § 4-12</u>	<u>Improper posting of sign regarding laser pointers</u>	<u>\$300</u>	<u>\$300</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>6 RCNY § 4-15</u>	<u>Improper number of signs regarding laser pointers</u>	<u>\$300</u>	<u>\$300</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>6 RCNY § 4-16</u>	<u>Sign not in required language</u>	<u>\$300</u>	<u>\$300</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>

§ 2. Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York is amended by adding a new Section 6-70 to read as follows:

§ 6-70 Polystyrene Items Penalty Schedule.

All citations are to Title 16 of the Administrative Code of the City of New York.

Unless otherwise specified, the penalties set forth for each section of law or rule shall also apply to all subdivisions, paragraphs, subparagraphs, clauses, items, or any other provision contained therein. Each subdivision, paragraph, subparagraph, clause, item, or other provision charged in the Notice of Violation shall constitute a separate violation of the law or rule.

Unless otherwise specified by law, a second or third or subsequent violation shall mean a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within one year of the prior violation(s).

<u>Citation</u>	<u>Violation Description</u>	<u>First Violation</u>	<u>First Default</u>	<u>Second Violation</u>	<u>Second Default</u>	<u>Third and Subsequent Violation</u>	<u>Third and Subsequent Default</u>
<u>Admin Code § 16-329</u>	<u>Possession, sale, or offer for use expanded polystyrene single service articles</u>	<u>\$250</u>	<u>\$250</u>	<u>\$500</u>	<u>\$500</u>	<u>\$1,000</u>	<u>\$1,000</u>

