

# New York City Department of Consumer and Worker Protection

## Notice of Adoption

Notice of Adoption of rule amending the penalty schedule for violations of the Department’s consumer protection laws and rules.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer and Worker Protection by Sections 1043, 2203(f), and 2203(h)(1) of the New York City Charter, and Sections 20-104(b) of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department amends Title 6 of the Rules of the City of New York.

This rule was proposed and published on May 31, 2024. A public hearing was held on July 1, 2024, and one comment was received. No changes were made to the proposed rule.

## Statement of Basis and Purpose of Rule

The Department of Consumer and Worker Protection (“DCWP” or “Department”) is amending 6 RCNY § 6-47, the penalty schedule for consumer protection laws and rules, by adding additional charges to the penalty schedule.

DCWP is making these amendments to ensure DCWP’s consumer protection penalty schedule includes all consumer protection charges for which DCWP is authorized to issue violations.

Sections 1043, 2203(f), and 2203(h)(1) of the New York City Charter and sections 20-104(b) of the New York City Administrative Code authorize the Department of Consumer and Worker Protection to make these rules. Pursuant to section 1043(d)(4)(ii), this rule is exempt from review under Charter section 1043(d).

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.

## Rule Amendment

Section 1. The table in section 6-47 of subchapter B of chapter 6 of Title 6 of the Rules of the City of New York is amended by adding the following rows in the appropriate numerical order:

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third and Subsequent Violation	Third and Subsequent Default
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<u>6 RCNY</u> <u>§ 5-06</u>	<u>Failure to comply with requirements related to free offers</u>	<u>\$525</u>	<u>\$525</u>	<u>\$1,050</u>	<u>\$1,050</u>	<u>\$3,500</u>	<u>\$3,500</u>
<u>6 RCNY</u> <u>§ 5-07</u>	<u>Failure to comply with number size requirements in advertised prices</u>	<u>\$525</u>	<u>\$525</u>	<u>\$1,050</u>	<u>\$1,050</u>	<u>\$3,500</u>	<u>\$3,500</u>
<u>6 RCNY</u> <u>§ 5-08</u>	<u>Failure to comply with prize award scheme requirements</u>	<u>\$525</u>	<u>\$525</u>	<u>\$1,050</u>	<u>\$1,050</u>	<u>\$3,500</u>	<u>\$3,500</u>