

NY GBS Ch. 20, Art. 44-A, Section 1414



Violations. 1. The attorney general shall be authorized to investigate complaints regarding a violation of this article and provide appropriate remedies. Whenever the attorney general shall believe from evidence satisfactory to them that any hiring party has engaged in or is about to engage in any of the acts or practices stated to be unlawful they may bring an action in the name and on behalf of the people of the state of New York to enjoin such unlawful acts or practices and to obtain restitution for one or more freelance workers of any moneys or property obtained directly or indirectly by any such unlawful acts or practices. In such action preliminary relief may be granted under article sixty-three of the civil practice law and rules. In such action a civil penalty in an amount not to exceed one thousand dollars for a first violation, two thousand dollars for a second violation or three thousand dollars for a third or subsequent violation may be sought by the attorney general.

2. (a) A freelance worker alleging a violation of this article may bring an action in any court of competent jurisdiction for damages.

(b) Any action alleging a violation of section fourteen hundred twelve of this article shall be brought within two years after the acts alleged to have violated this article occurred.

(c) Any action alleging a violation of section fourteen hundred eleven of this article or section fourteen hundred thirteen of this article shall be brought within six years after the acts alleged to have violated this article occurred.

(d) Within ten days after having commenced a civil action pursuant to this subdivision, a plaintiff shall serve a copy of the complaint upon an authorized representative of the attorney general. Failure to so serve a complaint does not adversely affect any plaintiff's cause of action.

(e) A plaintiff who solely alleges a violation of section fourteen hundred twelve of this article must prove that such plaintiff requested a written contract before the contracted work began.

3. (a) A plaintiff who prevails on a claim alleging a violation of section fourteen hundred eleven of this article shall be awarded damages

as described in this section and an award of reasonable attorneys' fees and costs.

(b) (i) A plaintiff who prevails on a claim alleging a violation of section fourteen hundred twelve of this article shall be awarded statutory damages of two hundred fifty dollars.

(ii) A plaintiff who prevails on a claim alleging a violation of one or more claims under provisions of this article shall be awarded statutory damages equal to the value of the underlying contract for the violation in addition to the remedies specified in this article for such other violations.

(c) In addition to other damages awarded pursuant to this article, a plaintiff who prevails on a claim alleging a violation of section fourteen hundred eleven of this article is entitled to an award of double damages, injunctive relief, and other such remedies as may be appropriate.

(d) In addition to any other damages awarded pursuant to this article, a plaintiff who prevails on a claim alleging a violation of section fourteen hundred thirteen of this article is entitled to statutory damages equal to the value of the underlying contract for each violation arising under such section.

4. Nothing in this section prohibits:

(a) a person alleging a violation of this article from filing a civil action based on the same facts as a civil action commenced by the attorney general pursuant to this section; or

(b) the attorney general from sending a notice of complaint, unless otherwise barred from doing so.

5. In any civil action commenced pursuant to this section, the trier of fact may impose a civil penalty of not more than twenty-five thousand dollars for a finding that a hiring party has engaged in a pattern or practice of violations of this article. Any civil penalty so recovered shall be paid into the general fund.