10 Things Every Business Should Know

NYC Department of Consumer Affairs

English/Chinese

The Department of Consumer Affairs (DCA) inspects tens of thousands of businesses each year to enforce consumer protection laws that ensure a fair and vibrant marketplace.

消費者事務局（Department of Consumer Affairs，簡稱DCA）每年檢查成千上萬的企業，以執行消費者權益保護法，確保一個公平和充滿活力的市場。

NYC

Bill de Blasio
Mayor

Department of Consumer Affairs

Julie Menin
Commissioner

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New York, NY
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Visit nyc.gov and search "Business Toolbox"

Contact 311
(212) NEW-YORK
(Outside NYC)

Printed on 30% post consumer recycled paper

DCA Licensing Services are Available Online

Using DCA's Business Toolbox, you can:

- Apply for or renew a DCA license
- Update your name or business name, address, and information about your corporate officers
- Request replacement of a lost, stolen, or damaged DCA license
- Request a scale inspection
- Pay fines (by debit card, credit card, or electronic check)
- Download DCA's model contracts and model receipts, required signs, and other documents
- Learn about laws and legal interpretations, submit a request for a legal interpretation, and read sample settlement agreements
- Download publications, tips, and FAQs
- Learn how to handle customer complaints
- Learn about administrative hearings
- Learn about other licenses you might need

可上網使用 DCA 的發照服務

使用 DCA 商務工具箱，您可以：

- 申請或續期 DCA 執照
- 更新您的姓名或貴公司名稱、地址、及貴公司官員的資料
- 要求更換丟失、被盜或損壞的 DCA 執照
- 要求磅秤檢查
- 繳納罰款（使用借記卡、信用卡、電子支票）
- 下載 DCA 的合同範本和收據樣本、規定的標示、及其他文件
- 了解法律和法律解釋、提交法律解釋申請、閱讀和解協議樣本
- 下載出版刊物、實用提示和常見問題解答
- 學習如何處理顧客投訴
- 了解行政聽證會
- 了解您可能需要的其他執照

Attend Public Events or Request a DCA Speaker

DCA hosts evening Open Houses for licensees and Town Halls where business owners can talk with the Commissioner. DCA also attends hundreds of community events at outdoor fairs, senior centers, public libraries, schools, churches, business associations, and chambers of commerce. Visit **nyc.gov** and search "DCA" for our Event Calendar. You can request a DCA staff member to speak about licensing, laws, and other DCA issues at events you are hosting. *Please contact us at least two weeks prior to your event.*

出席公開活動或要求 DCA 工作人員到場演講

DCA 為持照商家舉辦晚間介紹會，並舉辦市政廳會談，讓企業業主直接與局長對話。DCA 也出席了數以百計的社區活動，包括戶外展覽會、老人中心、公共圖書館、學校、教會、商業協會和商會。請造訪 **nyc.gov** 網站，搜索「DCA」查看我們的活動行事曆。您可以要求 DCA 工作人員到您主辦的活動說明發照、相關法律、及其他 DCA 議題。
請您在活動日期至少兩週之前聯繫我們。

This guide includes important tips that every business selling goods and services should know to avoid violations.

#1 Check if You Need a Business License

To find out if you need one of DCA's 55 licenses, visit **nyc.gov** and search "Business Toolbox" or **contact 311**. You can also visit **nyc.gov** and search "Business Express" to find out what you need to start and operate businesses in New York City. DCA encourages business owners to view the Business Owner's Bill of Rights, available at nyc.gov/bizrights.

#2 Post Prices and Payment Methods

- If you sell goods, the price of each item must be either on a tag on the item or on a sign where the item is displayed.
- If you do more than $2 million worth of business in a year, you must put individual price tags on most items.
- If your business sells a service—for example, hair or nail salons, dry cleaners, laundries, tailors, repairers, locksmiths, tax preparers—you must post a price list near where orders are placed and at the register.
- It is illegal to post different prices for men and women for the same service.
- If you limit credit card use, you must clearly post the policy near the register and the entrance.

#3 Post Your Refund Policy

You can set your own refund policy, but the law requires that it be posted near the register where customers can easily read it. Your sign must explain all conditions or limitations on getting a refund or exchange, such as whether you charge restocking fees, require a receipt, have time limits on returns, or give refunds in cash, credit, or store credit only. If you fail to post a refund policy, customers can return any item for 30 days.

#4 Make Sure Receipts are Complete and Correct

If a customer requests a receipt for a purchase between $5 and $20, you must provide it, and if the purchase is $20 or more, you are required by law to provide a receipt.

By law, your receipts must show:

- Your business name and address and, if you are a licensee, you must add "Department of Consumer Affairs" followed by your DCA license number
- The amount of money paid for each item
- The total amount the customer paid, including a separate line for tax
- The date of the purchase
- The make and the model of any electronic purchase more than $100

Receipts *cannot* show a credit card's expiration date or more than its last five digits.

#5 Make Sure Your Sales Ads Aren't False or Misleading

- It is illegal to advertise low prices on items that you don't actually have available for customers ("bait and switch").
- Any item you list as "on sale" must also display the pre-sale price clearly, and you must have reasonable quantities available before advertising the sale. If you advertise that you are having a sale due to fire, smoke, or water damage or because you are going out of business, liquidating, lost your lease, or are renovating, you must have a DCA Special Sale license and conduct the sale at the location that is being closed.
- You must include your business name, address, and DCA license number (if applicable) on all newspaper ads, business cards, and business vehicles.

#6 Know the Items You Cannot Sell

- It is illegal to sell fake or imitation guns unless the entire exterior of the gun is white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink, bright purple, or translucent or transparent (see-through). Any fake or toy gun that is not one of these colors (for example, black, green) is illegal even if it has an orange tip.
- You cannot sell laser pointers to anyone under 19. You cannot sell the following items to anyone under 21: box cutters, etching acid, spray paint.
- You cannot sell the following products to anyone: expired over-the-counter medication, motorized scooters, and products made of endangered or threatened species.

#7 Know the Rules for Tobacco Sales and Signage

- It is illegal to sell cigarettes to anyone under 18. You must request proper identification for anyone who appears to be under 25.
- You must have a DCA license to sell cigarettes in New York City and post required City and State warning signs, all of which are available in DCA's Business Toolbox.
- It is illegal to sell "flavored" tobacco unless you operate a tobacco bar or if the tobacco has the taste or smell of menthol, mint, or wintergreen.
- You cannot sell individual cigarettes ("loosies").

#8 Make Sure Scales are Accurate

DCA inspects all scales used by stores and airports for accuracy. Scales must be positioned so customers can view the weight and the price per pound. If you sell packaged items, you must subtract the weight of the packaging ("tare" weight) from the cost of the weighed item. Businesses can request a scale inspection online in DCA's Business Toolbox or by **contacting 311**.

#9 Resolve Customer Complaints

If DCA receives a complaint, we will contact you by phone or mail to get your side of the story before we mediate. All licensees must respond within 20 days. A DCA mediator will work with you and the customer and if we cannot resolve the complaint, it may be heard by a judge at a hearing at DCA's Adjudication Tribunal or State court. DCA maintains permanent public records of complaint histories and how they are resolved.

#10 Handle Violations and Pay Fines

If a DCA inspector issues a violation during an inspection, you will be given a Notice of Hearing with the date and time that you need to meet with a Settlement Officer or contest the violation with an Administrative Law Judge at DCA's Adjudication Tribunal. You may bring an attorney with you, and free translation services are available. Those with disabilities can request special accommodations before their hearings. Depending upon the violation or your violation history, you may be able to settle the violation online or by mail. Not responding to a Notice of Hearing will result in additional violations and fines.

本指南包括每個銷售產品和服務的企業應該知道的重要提示，以避免違規行為。

#1 查看您是否需要營業執照

如果您想知道您是否需要 DCA 簽發的55項執照中的其中一項，請造訪**nyc.gov**網站，搜索「商務工具箱」或致電**311**。您還可以造訪**nyc.gov**網站，搜索「商務快車」（"Business Express"），了解在紐約市創立及經營企業的程序。DCA 鼓勵企業業主閱讀公告在nyc.gov/bizrights網站上的《企業業主權利法案》（Business Owner's Bill of Rights）。

#2 張貼價格和付款方式

- 如果您出售商品，每個商品的價格必須標示在商品的標籤上，或在擺放商品的架上標示價格。
- 如果您每年的企業營收超過兩百萬美元，您必須將個別價格標籤附在大部分的商品上。
- 如果您的企業是服務業－例如，髮型或指甲美容院、乾洗店、洗衣店、裁縫、修理工、鎖匠、報稅服務－您必須在顧客下訂單的櫃檯附近和收銀台處張貼價格表。
- 提供相同的服務卻公告不同的男性／女性顧客價格是非法的行為。
- 如果您限制使用信用卡，您必須在收銀台附近和入口處清楚公告這項政策。

#3 張貼您的退款政策

您可以設定自己的退款政策，但是法律規定必須將政策張貼在收銀台附近，方便顧客閱讀。您的標示必須說明退款或更換商品的所有條件或限制，如您是否收取補貨費用、需要收據、退貨有時間限制、或退款形式為現金、信用卡或僅商店計帳。如果您沒有張貼退款政策，顧客可以在30天內退回任何商品。

#4 確保收據完整正確

如果顧客要求$5 至 $20之間的購買收據，您必須提供；如果購物金額為 $20或以上，法律規定您必須提供收據。

根據法律規定，您的收據必須註明：

- 您的企業名稱和地址及，如果您是執照持有人，您必須加印 "Department of Consumer Affairs"（消費者事務局），然後列出您的 DCA 執照號碼
- 每個項目已支付的金額
- 顧客支付的總金額，包括稅金單項行
- 購買日期
- 購買的電子商品超過$100則需列印產品品牌和型號

收據不可以 顯示信用卡的到期日或超過最後五位數。

#5 確保您的銷售廣告不虛假或具誤導性

- 廣告實際上您沒有的低價格商品招引顧客上門（「誘導轉向法」－"bait and switch"）是違法的。
- 任何您標示「降價出售」的商品，必須清楚標示原價，而在廣告降價出售之前，您也必須有合理的存貨數量。如果您廣告降價出售是因為火災、煙熏、或水災損壞了商品，或由於停止營業、清倉、不再續租約、或正在裝修，您必須有一個DCA特別銷售許可證並且在即將關閉的地點進行降價出售。
- 您必須在所有的報紙廣告、名片、和商業車輛上註明您的公司名稱、地址、和DCA執照號碼（如適用）。

#6 了解不可以販賣哪些商品

- 出售假冒或仿製的槍是非法的，除非槍的整個外觀為白色、亮紅色、亮橙色、亮黃色、亮綠色、亮藍色、亮粉紅色、亮紫色、或透明或半透明（可看到內部）。出售任何不是這些顏色（例如黑色、綠色）其中之一的假冒或玩具槍是非法的，即使槍的尖端是橙色的。
- 您不能出售激光指示器給未滿19歲的顧客。 您不能出售以下商品給任何未滿21歲的顧客： 美工刀、蝕刻酸、噴漆。
- 您不能向任何人銷售以下產品： 過期的非處方藥、電動滑板車、瀕危或受威脅物種製成的產品。

#7 了解煙草銷售和標示牌規則

- 您不能出售香煙給未滿18歲的顧客。 對任何看起來未滿25歲的顧客，您都必須要求他們出示適當的身分證明。
- 您必須有DCA執照並張貼城市和州規定的警告標誌才能在紐約市出售香煙，您可以在DCA商務工具箱下找到這些標誌。
- 出售「加味」的煙草是違法的，除非您經營煙草酒吧或煙草的味道或氣味是薄荷腦、薄荷、或冬青。
- 您不可以出售單支香煙（「散裝」－"loosies"）。

#8 確保磅秤是準確的

DCA檢查所有商店和機場磅秤的準確性。磅秤必須放在適當的地方，使顧客能夠查看重量和每磅價格。如果您出售包裝物品，則必須從物品的價格中減去包裝重量（「皮重」－"tare" weight）。企業可以在網站上利用DCA的商務工具箱或致電**311**要求磅秤檢查。

#9 解決顧客投訴

如果DCA收到投訴後，我們會通過電話或郵件與您聯繫，了解您的敘述之後，才進行調解。 所有持照人必須在20天內作出回應。DCA調解員會與您和客戶商討，如果我們無法解決投訴，可能會由法官在DCA的審判法庭或州法院聽證會審理。DCA永久保留公眾投訴記錄和解決方式。

#10 處理違規和繳納罰款

如果DCA檢查員在檢查過程中簽發違規單，您會收到一份聽證會通知，註明您需要與和解官員會面的日期和時間，或在DCA的審判法庭向行政法官針對違規提出異議。您可以由律師陪同出席，並有免費翻譯服務提供給您。幾障人士在聽證會之前可以要求特殊順應安排。根據不同的違規或違反歷史，您可能能夠通過網站或郵件解決。不回應聽證會通知將導致額外的違規和罰款。