10 Things Every Business Should Know

Department of Consumer Affairs

English/Haitian Creole

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.

Depatman Afè Konsomatè (DCA) enspekte anpil dizèn milye biznis chak ane pou aplike lwa pwoteksyon anfavè konsomatè pou asire yon mache onèt ak dinamik.

NYC

Bill de Blasio
Mayor

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Visit nyc.gov and search "Business Toolbox"

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

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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

Sèvis DCA pou bay Lisans Disponib nan Entènèt

Avèk Bwat Zouti Biznis DCA, ou kapab:

- Aplike pou yon lisans DCA oswa renouvle li
- Chanje non ou oswa non biznis ou, adrès ou, ak enfòmasyon sou dirijan antrepriz
- Mande ranplasman yon dokiman lisans DCA ki pèdi, yo vòlè oswa ki domaje
- Mande yon enspeksyon an echèl
- Peye amann yo (avèk kat debi, kat kredi, oswa chèk elektwonik)
- Telechaje modèl kontra DCA ak modèl resi, ansèy ki obligatwa, ak lòt modèl
- Aprann lwa yo ak entèpretasyon legal, soumèt yon demann pou yon entèpretasyon legal, epi li modèl akò pou aranjman
- Telechaje piblikasyon, konsèy ak FAQ (kesyon repetitif) ki enpòtan
- Aprann fason pou rezoud plent kliyan
- Aprann odyans administratif yo
- Aprann lòt lisans ou ka bezwen yo

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.*

Patisipe nan Evènman Piblik oswa Mande yon Oratè DCA

DCA òganize sware Vizit Lib pou moun ki gen lisans ak Town Halls kote pwopriyetè biznis yo kapab pale avèk Manm Komisyon an. DCA patisipe tou nan anpil santèn evènman kominotè ak nan fwa deyò, sant pou granmoun aje, bibliyotèk piblik, lekòl, legliz, asosyasyon biznis, ak chanm komès. Ale sou Entènèt nan sitwèb **nyc.gov** epi chèche "DCA" pou Kalandriye Evènman nou. Ou kapab mande yon anplwaye DCA pou eksplike ou fason yo bay lisans, lwa yo ak lòt kesyon DCA nan evènman w ap òganize yo. *Tanpri kontakte nou omwen de (2) semèn anvan evènman ou.*

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.

Gid sa a gen ladan konsèy enpòtan chak biznis k ap vann machandiz ak sèvis ta dwe konnen pou yo pa fè vyolasyon.

#1 Verifye Si Ou Bezwen yon Lisans pou Biznis

Pou konnen si ou bezwen youn nan 55 lisans DCA, ale sou Entènèt nan sitwèb **nyc.gov** epi chèche "Business Toolbox" oswa **rele 311**. Ou kapab ale sou Entènèt tou nan sitwèb **nyc.gov** epi chèche "Business Express" pou konnen kisa ou bezwen pou kòmanse ak opere biznis nan Vil New York. DCA ankouraje pwopriyetè biznis yo pou yo wè Deklarasyon Dwa Pwopriyetè Biznis, ki disponib sou Entènèt nan sitwèb nyc.gov/bizrights.

#2 Afiche Pri ak Metòd Peman

- Si ou vann machandiz, pri chak atik dwe swa sou yon etikèt ki sou atik la oswa sou yon ansèy kote ou mete atik la.
- Si ou fè biznis ki vo plis pase $2 milyon dola nan yon ane, ou dwe mete etikèt pri apa sou pifò atik yo.
- Si biznis ou vann yon sèvis—pa egzanp, salon kwafi oswa maniki ak pediki, dray-klinin, tayè, reparatè, serirye, preparatè taks—ou dwe afiche yon lis pri toupre kote moun fè kòmann yo ak nan rejis la.
- Li ilegal pou afiche diferan pri pou gason ak fanm pou menm sèvis la.
- Si ou limite kantite lajan pou kliyan achte avèk kat kredi, ou dwe afiche règleman an aklè toupre rejis la ak antre a.

#3 Afiche Règleman ou pou Ranbousman

Ou kapab mete anplas règleman pa ou pou ranbousman, men lalwa egzije pou afiche règleman an toupre rejis la kote kliyan yo kapab li l san pwoblèm. Ansèy ou dwe eksplike tout kondisyon oswa limit sou fason pou jwenn yon ranbousman oswa boukantay, tankou si ou reklame frè pou re-estokaj, si ou mande yon resi, si ou gen limit tan pou retounen machandiz yo, oswa si ou bay ranbousman an avèk lajan kach, kredi oswa kredi magazen an sèlman. Si ou afiche yon règleman pou ranbousman, kliyan yo kapab retounen nenpòt atik pou 30 jou.

#4 Asire Resi yo Konplè ak Kòrèk

Si yon kliyan mande yon resi pou yon acha ant $5 ak $20, ou dwe bay resi a, epi si atik kliyan an achte a se pou $20 oswa plis, lalwa egzije ou pou bay kliyan yon resi.

Dapre lalwa, resi ou yo dwe montre:

- Non ak adrès biznis ou epi, si ou gen yon lisans, ou dwe mete "Department of Consumer Affairs" (Depatman Afè Konsomatè), epi apre ou dwe mete nimewo lisans DCA
- Kantite lajan kliyan an peye pou chak atik
- Kantite lajan total kliyan an te peye, ansanm avèk yon liy apa pou taks
- Dat kliyan an te achte
- Mak ak modèl nenpòt aparèy elektwonik kliyan an achte ki vo plis pase $100

Resi yo *pa kapab* montre dat ekspirasyon yon kat kredi oswa plis pase dènye senk (5) chif ki nan kat kredi a.

#5 Asire Reklam ou Fè pou Lavant ou Pa Fo oswa pa Twonpe Kliyan yo

- Li ilegal pou fè reklam pou ti pri sou atik ou pa genyen ki disponib vre pou kliyan yo ("manti nan reklam").
- Nenpòt atik ou endike kòm "on sale" (k ap vann avèk rabè) dwe montre pri atik la anvan rabè a aklè, epi ou dwe gen kantite rezonab ki disponib anvan ou fè reklaman pou lavant avèk rabè a. Si ou fè reklam pou fè konnen ou gen yon lavant avèk rabè akòz domaj nan dife, domaj nan lafimen, oswa domaj nan dlo, oswa paske ou pral fèmen biznis lan, paske w ap fè likidasyon, paske ou pèdi afèmaj ou, oswa paske w ap fè modènizasyon biznis lan, ou dwe gen yon lisans Lavant DCA pou Lavant Espesyal, epi ou dwe fè lavant lan nan adrès k ap fèmen an.
- Ou dwe mete non, adrès a, nimewo lisans DCA biznis ou (si ou gen youn) sou tout reklam nan jounal, kat biznis, ak veyikil biznis lan.

#6 Konnen Atik Ou Pa Kapab Vann yo

- Li ilegal pou vann fo revòlvè oswa revòlvè imitasyon sof si tout deyò revòlvè a blan, wouj fonse, oranj fonse, jòn fonse, vèt fonse, ble fonse, woz fonse, vyolèt fonse, oswa translisid oswa klè (transparan). Si yon fo revòlvè oswa yon revòlvè jwèt pa gen youn nan koulè sa yo (pa egzanp, nwa, vèt), li ilegal pou vann revòlvè sa a menmsi li gen yon pwent oranj.
- Ou pa kapab vann pwentè lezè ba moun ki poko gen laj 19 ane. Ou pa kapab vann atik ki anba la yo ba moun ki poko gen laj 21 ane: kouto bwat, asid pou gravi, penti nan ayewosòl.
- Ou pa kapab vann pwodui sa yo ba nenpòt moun: medikaman san preskripsyon ki ekspire, eskoutè ki gen motè, ak pwodui ki fèt avèk espès ki an danje oswa ki menase.

#7 Konnen Règ pou Lavant Tabak ak Plasman Ansèy

- Li ilegal pou vann sigarèt ba moun ki poko gen laj 18 tan. Ou dwe mande bon dokiman jan idantifikasyon pou nenpòt moun ki sanble poko gen laj 25 ane.
- Ou dwe gen yon lisans DCA pou vann sigarèt nan Vil New York ak afiche ansèy avètisman Vil la ak Leta. Yo tout disponib nan Bwat Zouti Biznis DCA.
- Li ilegal pou vann tabak ki "gen gou" sof si w ap opere yon ba-tabak oswa si tabak la gen gou oswa odè mantòl, mant, oswa wintègrin.
- Ou pa kapab vann sigarèt pa grenn ("grenn sigarèt").

#8 Asire Balans yo Gen Presizyon

DCA enspekte tout balans yo itilize nan magazen ak nan ayewopò pou presizyon. Balans yo dwe nan pozisyon yon fason pou kliyan yo kapab wè pwa a ak pri pou chak liv. Si ou vann atik ki anbale, ou dwe retire pwa anbalaj la (pwa an "ta") nan pri atik ki peze a. Biznis yo kapab mande yon enspeksyon balans nan Entènèt nan Bwat Zouti Biznis DCA oswa **yo kapab rele 311**.

#9 Rezoud Plent Kliyan yo

Si DCA resevwa yon plent, n ap kontakte ou nan telefòn oswa nan sèvis lapòs pou jwenn vèsyon pa ou nan istwa a anvan nou fè medyasyon. Tout biznis ki gen lisans dwe bay repons anvan 20 jou. Yon medyatè DCA ap travay avèk ou ak kliyan an, epi si nou pa kapab rezoud plent lan, yon jij ka tande plent lan nan yon odyans nan Tribinal Adjidikasyon oswa nan Tribinal eta a. DCA konsève dosye pèmanan istwa plent yo ak fason yo rezoud yo.

#10 Jere Vyolasyon yo epi Peye Amann yo

Si yon enspektè DCA bay yon vyolasyon pandan yon enspeksyon, w ap resevwa yon Avi Odyans k ap gen ladan dat ak lè ou dwe rankontre avèk yon Ofisye Aranjman oswa pou konteste vyolasyon an avèk yon Jij Administratif nan Tribinal Adjidikasyon DCA. Ou ka vini avèk yon avoka, epitou gen sèvis tradiksyon gratis ki disponib. Moun ki andikape yo kapab mande aranjman espesyal anvan odyans yo. Selon vyolasyon an oswa selon istwa vyolasyon ou, ou ka anmezi pou rezoud vyolasyon an sou Entènèt oswa nan sèvis lapòs. Si ou pa bay repons pou yon Avi Odyans sa ap lakòz ou gen vyolasyon ak amann anplis pou peye.