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NEW YORK CITY ADMINISTRATIVE CODE
TITLE 20: CONSUMER AFFAIRS
CHAPTER 2: LICENSES
SUBCHAPTER 29: ELECTRONICS STORES

§ 20-484 Definitions. a. "Electronics store" shall mean a commercial establishment which sells or offers for sale to the public electronic goods.

b. "Electronic goods" shall mean any of the following types of merchandise:

1. audio equipment;
2. calculators;
3. photographic equipment;
4. video equipment; or
5. computer equipment.

c. "Display space" shall mean the area of a retail establishment in which merchandise is publicly displayed and offered for sale and which is generally accessible to customers.

d. "Audio equipment" shall mean any apparatus or equipment that is used for sound reproduction, including but not limited to amplifiers, phonographs, radios, receivers, speakers, compact disc players, tape players, tape recorders and turntables. "Audio equipment" does not include prerecorded or blank audio recording tapes or records.

e. "Photographic equipment" shall mean any apparatus or equipment that is used for the taking, developing or enlarging of photographs or moving pictures, including but not limited to cameras, video cameras, camera cases, lenses, tripods and developing equipment. "Photographic equipment" does not include film or film processing.

f. "Video equipment" shall mean televisions and any apparatus or equipment used in the process of producing images on a television set, including but not limited to video disc players, video game units, video tape players and video tape recorders. "Video equipment" does not include prerecorded video discs and tapes, blank video tapes or video game cartridges.

g. "Computer equipment" shall mean computers, word processors and any apparatus or equipment that is used for computing or word processing, including but not limited to printers, modems, monitors, keyboards, disk drives and peripherals. "Computer equipment" does not include disks, diskettes or computer paper.

§ 20-485 License required. No person shall maintain or operate an electronics store without first having obtained a license therefor issued pursuant to section 20-485.2 of this subchapter.

§ 20-485.1 Application; fee; term. a. An application for any license required under this subchapter or for any renewal thereof shall be made to the commissioner in such form or manner as he or she shall prescribe by rule.

b. There shall be a biennial fee for a license to maintain or operate an electronics store. Such fee for a license to maintain or operate an electronics store shall be three hundred and forty dollars.

§ 20-485.2 Issuance of license. A license to maintain or operate an electronics store shall be granted in accordance with the provisions of this subchapter and any rules promulgated by the commissioner thereunder. The commissioner may refuse to issue to an applicant any license required under this subchapter based upon a determination made after due notice and opportunity to be heard that such applicant has engaged in conduct which would constitute a basis for license suspension or revocation as set forth in section 20-485.3 of this subchapter.

§ 20-485.3 Renewal, suspension and revocation of licenses. In addition to any powers of the commissioner and not in limitation thereof, the commissioner may refuse to renew any license required under this subchapter and may suspend or revoke any such license, after due notice and the opportunity to be heard, upon the occurrence of any one or more of the following conditions:

a. The person holding a license to maintain or operate an electronics store or where applicable its officers, principals, directors, employees or stockholders owning more than ten percent of the outstanding stock of the corporation have been found to have violated any provision of this subchapter, or section 20-708 of this title, or any rules promulgated thereunder; or

b. The person holding a license to maintain or operate an electronics store or where applicable its officers, principals, directors, employees or stockholders owning more than ten percent of the outstanding stock of

the corporation have made a material false statement or concealed a material fact in connection with the filing of any application pursuant to this subchapter or have been found to have committed fraud or misrepresentation upon a customer; or

c. The person holding a license to maintain or operate an electronics store or where applicable its officers, principals, directors, employees or stockholders owning more than ten percent of the outstanding stock of the corporation have been found to have engaged in untrue, misleading or deceptive advertising, or deceptive or unconscionable trade practices as described in chapter five of title twenty of this code and any rules promulgated thereunder; or

d. The person holding a license to maintain or operate an electronics store or where applicable its officers, principals, directors, employees or stockholders owning more than ten percent of the outstanding stock of the corporation have not paid, within the time permitted by law, any civil penalty or judgment duly imposed pursuant to the provisions of this subchapter or any rule promulgated thereunder.

§ 20-485.4 Transferability. No license issued under this subchapter shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued.

§ 20-485.5 Duties of licensees. a. Posting of information. Every person holding a license to maintain or operate an electronics store shall conspicuously post such license.

b. Display of selling price. 1. All merchandise sold, exposed for sale or offered for sale at retail in a store licensed under this subchapter shall have conspicuously displayed, at the point of exposure or offering for sale, the total selling price exclusive of tax by means of a stamp, tag or label attached to the item, or a sign at the point of display which indicates the item to which the price refers; provided that this information is plainly visible, without the assistance of store personnel.

2. This subdivision shall not apply to merchandise displayed in the window of the electronics store.

3. Notwithstanding the provisions of section 20-485.6 of this subchapter, the civil penalties imposed for a violation of this subdivision shall be those provided for violations of section 20-708 of this title.

c. Receipts. Receipts must be provided for any retail purchase if the amount of the purchase is twenty dollars or more. Receipts must be provided on request for any retail purchase if the amount of the purchase is between five and twenty dollars. Such receipts shall contain:

1. the amount of money paid for each item;
2. the total amount of money paid including a separate statement of tax;
3. the date of the purchase;
4. the name and address of the electronics store as listed on the license;
5. the license number of the licensee; and
6. a full description of each item purchased including the type, color, size; the style or model number and year; and the brand name and manufacturer's name.

d. Records. Every person licensed to maintain or operate an electronics store shall maintain records, ledgers, receipts, bills and such other written records as the commissioner may prescribe by rule. Such records shall be made available for inspection by the commissioner at his or her request at either the licensee's place of business or at the offices of the department.

§ 20-485.6 Violations. a. The civil penalties imposed pursuant to this section shall be in addition to any other sanctions and orders which may be imposed by the commissioner pursuant to this title including but not limited to such sanctions and orders which may be imposed pursuant to section 20-105 of this code.

b. Notwithstanding the provisions of subdivisions a and b of section 20-106, any person who violates any provision of this subchapter or any rules promulgated thereunder shall be subject to a civil penalty of not less than two hundred and fifty dollars nor more than two thousand dollars for each violation, to be recovered in a civil action.

§ 20-486 Exemptions. The provisions of this subchapter shall not apply to: a. any store which uses less than twenty percent of its display space, as measured by linear feet and not square feet, for the display of electronic goods; or

b. any store that displays fewer than thirty items that are electronic goods in its display space.

§ 20-487 Powers of the commissioner. The authority and power of the commissioner pursuant to this subchapter and chapter one of this title shall extend to all sales and advertising activities of an electronics store and shall not be limited to sales and advertising activities relating to the merchandise described in paragraph b of section 20-484 of this subchapter or to merchandise described in any rules of the commissioner promulgated under this subchapter.

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RULES OF THE CITY OF NEW YORK
TITLE 6: DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 2: LICENSES
SUBCHAPTER CC: ELECTRONIC STORE

§2-340 Audio Equipment.

The meaning of the term "audio equipment" specified in §20-484(d) of the N.Y.C. Administrative Code includes devices such as telephones, cellular telephones, beepers or pagers.

§2-341 Disclosures Pertaining to Gray Market Merchandise.

(a) As used in this section, "gray market merchandise" means any brand-name electronic goods, as defined in §20-484 of subchapter 29 of chapter 2, title 20 of the administrative code of the city of New York, which is normally accompanied by an express written warranty valid in the United States of America which is imported into the United States through channels other than the manufacturer's authorized United States distributor for sale to the public and which, by reason of this manner of distribution, may not be accompanied by the manufacturer's express written warranty valid in the United States. The term "gray market merchandise" shall be limited to products purchased by a consumer for use primarily for personal, family or household purposes.

(b) Every electronic store which offers for sale gray market merchandise shall conspicuously post on a tag or sign that is attached to such merchandise or the external surface of its package that is visible at the point of display of such merchandise that such displayed item is gray market merchandise and that, as applicable, such product is or may:

1. not be accompanied by the manufacturer's express written warranty valid in the United States; or

2. not be accompanied by instructions in English; or
3. not be eligible for a rebate offered by the manufacturer, or
4. not be compatible with United States electrical currents or broadcast frequencies.

(c) Every electronic store which offers for sale gray market merchandise shall include the disclosures required by subdivision b of this section for any gray market merchandise offered for sale in any written advertisement relating to such merchandise. Such disclosures shall be made in type of conspicuous size.

(d) It shall be an affirmative defense as to the disclosure required in paragraph 1 of subdivision b of this section that the consumer is provided with a written warranty which offers equal or greater protection than the manufacturer's warranty through a warrantor demonstrated to be a financially responsible retailer, distributor, importer or other third person capable of fulfilling warranty obligations.

§2-342 Display of Total Selling Price. [Repealed]