

Human Rights—Discrimination—Boycotts, Refusal
to Deal, Etc.

Memorandum relating to this chapter, see page 1765

CHAPTER 662

An Act to amend the executive law, in relation to boycotts and refusals to deal because of race, creed, color, national origin or sex and in relation to extending the human rights law to apply to certain acts committed outside the state.

Approved Aug. 6, 1975, effective Jan. 1, 1976.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred ninety-six of the executive law is hereby amended by adding at the end thereof, a new subdivision, to be subdivision thirteen, to read as follows:

13. It shall be an unlawful discriminatory practice (i) for any person to discriminate against, boycott or blacklist, or to refuse to buy from, sell to or trade with, any person, because of the race, creed, color, national origin or sex of such person, or of such person's partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers or customers, or (ii) for any person wilfully to do any act or refrain from doing any act which enables any such person to take such action. This subdivision shall not apply to:

(a) Boycotts connected with labor disputes; or

(b) Boycotts to protest unlawful discriminatory practices.

§ 2. Such law is hereby amended by adding thereto a new section, to be section two hundred ninety-eight-a, to read as follows:

§ 298-a. Application of article to certain acts committed outside the state of New York

1. The provisions of this article shall apply as hereinafter provided to an act committed outside this state against a resident of this state or against a corporation organized under the laws of this state or authorized to do business in this state, if such act would constitute an unlawful discriminatory practice if committed within this state.

2. If a resident person or domestic corporation violates any provision of this article by virtue of the provisions of this section, this article shall apply to such person or corporation in the same manner and to the same extent as such provisions would have applied had such act been committed within this state except that the penal provisions of such article shall not be applicable.

3. If a non-resident person or foreign corporation violates any provision of this article by virtue of the provisions of this section, such person or corporation shall be prohibited from transacting any business within this state. Except as otherwise provided in this subdivision, the provisions of section two hundred ninety-seven of this chapter governing the procedure for determining and processing unlawful discriminatory practices shall apply to violations defined by this subdivision insofar as such provisions are or can be made applicable. If the division of

human rights has reason to believe that a non-resident person or foreign corporation has committed or is about to commit outside of this state an act which if committed within this state would constitute an unlawful discriminatory practice and that such act is in violation of any provision of this article by virtue of the provisions of this section, it shall serve a copy of the complaint upon such person or corporation by personal service either within or without the state or by registered mail, return receipt requested, directed to such person or corporation at his or its last known place of residence or business, together with a notice requiring such person or corporation to appear at a hearing, specifying the time and place thereof, and to show cause why a cease and desist order should not be issued against such person or corporation. If such person or corporation shall fail to appear at such hearing or does not show sufficient cause why such order should not be issued, the division shall cause to be issued and served upon such person or corporation an order to cease or desist from the act or acts complained of. Failure to comply with any such order shall be followed by the issuance by the division of an order prohibiting such person or corporation from transacting any business within this state. A person or corporation who or which transacts business in this state in violation of any such order is guilty of a class A misdemeanor. Any order issued pursuant to this subdivision may be vacated by the division upon satisfactory proof of compliance with such order. All orders issued pursuant to this subdivision shall be subject to judicial review in the manner prescribed by article seventy-eight of the civil practice law and rules.¹

¹ CPLR § 7801 et seq.

§ 3. If any clause, sentence, paragraph, section or part of subdivision thirteen of section two hundred ninety-six of the executive law or of section two hundred ninety-eight-a of the executive law, as added by this act or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction, to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder thereof, or the application thereof to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, or the person or circumstances directly involved in the controversy in which such judgment shall have been rendered.

§ 4. This act shall take effect on the first day of January, nineteen hundred seventy-six.

Education—Student Financial Aid—Eligibility Requirements

CHAPTER 663

An Act to amend the education law, in relation to eligibility requirements for student financial aid under the New York state higher education services corporation.

Approved Aug. 6, 1975, effective July 1, 1975.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section six hundred sixty-one of the education law, as added by chapter nine hundred forty-two of the ~~deletions by strikeouts~~