

**RESOLUTION NO. 964 -2009, ADOPTING LOCAL LAW
NO. 38 -2009, A LOCAL LAW TO PROHIBIT FALSE
ADVERTISING BY UNLICENSED ELECTRICIANS AND
PLUMBERS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on September 17, 2009, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT FALSE ADVERTISING BY UNLICENSED ELECTRICIANS AND PLUMBERS**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 38 -2009, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROHIBIT FALSE ADVERTISING BY
UNLICENSED ELECTRICIANS AND PLUMBERS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Suffolk County has established licensing requirements for a variety of occupations.

This Legislature also finds and determines that many of these occupations, such as electricians and plumbers, provide important services to Suffolk County residents.

This Legislature finds that Suffolk County residents are often unaware of whether a selected business is licensed to perform repairs and improvements to their homes.

This Legislature determines that unlicensed electricians and plumbers operating in Suffolk County are a danger to County residents who may use their services and receive substandard results.

This Legislature further finds that any unlicensed person or entity engaged in electrical or plumbing work should be subject to penalty if they falsely advertise that they are, in fact, licensed.

Therefore, the purpose of this law is to amend Chapter 275 of the SUFFOLK COUNTY CODE and clarify that false advertising by unlicensed electricians and plumbers shall be subject to penalty under the law.

Section 2. Amendments.

Chapter 275 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 275
ELECTRICIANS AND PLUMBERS**

* * * *

§ 275-9. Restrictions on use of license, prohibition against false advertising.

* * * *

No holder of a license issued under this chapter shall authorize, consent to or permit the use of his license by or on behalf of any other person; and subject to the provisions of § 275-1 of this chapter, no person who has not qualified and obtained a license under this chapter shall hold himself or herself out to the public as licensed or as the holder of a license issued hereunder, either directly or indirectly, by means of signs, sign cards, metal plates, [or] stationery or in any other manner of advertising whatsoever. Nothing herein contained, however, shall be construed to prohibit the use of a license by the holder thereof for or on behalf of a partnership or corporation, provided that at least one member of the partnership or of the officers of the corporation are licensed for the same business or occupation and that all work performed by such corporation or partnership is performed by or under the direct and continuing supervision of such license holder or holders.

* * * *

Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

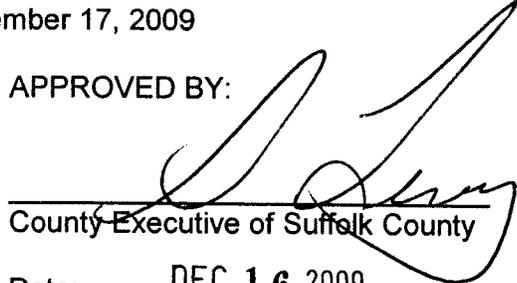
Section 6. Effective Date.

This law shall take effect on the thirtieth (30th) day immediately subsequent to filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: November 17, 2009

APPROVED BY:



County Executive of Suffolk County

Date: DEC 16 2009

After a public hearing duly held on November 30, 2009
Filed with the Secretary of State on January 8, 2010

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Suffolk County Legislature has passed Introductory Resolution No. 1801-2009 and presented to me for approval Local Law No. -2009, "A Local Law to Prohibit False Advertising by Unlicensed Electricians and Plumbers" which law prohibits persons who have not qualified for an electrician's or plumber's license to engage in false advertising indicating they are holders of electricians' and plumbers' licenses.

NOTICE IS FURTHER GIVEN that the County Executive will hold a public hearing on the aforesaid Local Law at 9:30 a.m., prevailing time, on November 30, 2009 in the H. Lee Dennison Building , Media Room, 100 Veterans Memorial Highway, Hauppauge, New York, at which time all interested persons will be heard.

STEVE LEVY
Suffolk County Executive

DATED: Hauppauge, New York

Intro. Res. 1801 Res. No. 964

November 17, 2009

Motion:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Cameron ALDEN					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17	-	1	-	

MOTION	
<input checked="" type="checkbox"/>	Approve
	Table: _____
	Send To Committee
	Table Subject To Call
	Lay On The Table
	Discharge
	Take Out of Order
	Reconsider
	Waive Rule _____
	Override Veto
	Close
	Recess
APPROVED <input checked="" type="checkbox"/>	FAILED _____
No Motion _____	No Second _____

RESOLUTION DECLARED
ADOPTED
NOT ADOPTED

Tim Laube
 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote _____