_____

7652

I N   S E N A T E

June 12, 2012
_____

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when
   printed to be committed to the Committee on Rules

AN ACT to amend the general business law, in relation to requiring
   persons   or   entities operating a telecommunications services system,
   access to which causes the caller to be charged a fee on his or her
   telephone service bill, to provide notice of the imposition of such
   fee

   THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
   BLY, DO ENACT AS FOLLOWS:

 1   Section 1. Subdivisions 5 and 6 of section 336-b of the general busi-
 2 ness law, as added by chapter 495 of the laws of 1991, are renumbered
 3 subdivisions 6 and 7, and a new subdivision 5 is added to read as
 4 follows:
 5   5. WHEN APPLICABLE, PROVIDERS OF INTERACTIVE INFORMATION NETWORK
 6 SERVICES SHALL CAUSE THE FOLLOWING MESSAGE OR WORDS TO THE EFFECT OF THE
 7 FOLLOWING TO BE PROVIDED TO THE CALLER, IN THE LANGUAGE IN WHICH INFOR-
 8 MATION DURING SUCH CALL WILL BE PROVIDED:
 9   "THE CALL YOU ARE PLACING WILL COST (RATE AT WHICH FEES OR CHARGES ARE
10 INCURRED). IN ORDER FOR YOU TO RECEIVE THE INFORMATION YOU ARE CALLING
11 FOR, THAT FEE WILL BE CHARGED TO YOUR TELEPHONE BILL. IF YOU DO NOT WANT
12 TO PAY THIS AMOUNT, PLEASE HANG UP."
13   THE CALCULATION OF ANY APPLICABLE FEES BY THE PROVIDER OF AN INTERAC-
14 TIVE INFORMATION NETWORK SERVICE SHALL NOT COMMENCE UNTIL TEN SECONDS
15 AFTER THE PROVISION OF THE NOTICE OF FEES TO BE CHARGED TO THE CONSUMER
16 REQUIRED BY THIS SUBDIVISION. THE PROVISIONS OF THIS SUBDIVISION SHALL
17 NOT APPLY TO ANY SERVICE PROVIDED BY: (A) A TELEPHONE CORPORATION AS
18 THAT TERM IS DEFINED IN SECTION TWO OF THE PUBLIC SERVICE LAW, (B) A
19 PROVIDER OF MOBILE SERVICE AS DEFINED IN 47 U.S.C. S 153, OR (C) A CABLE
20 TELEVISION COMPANY AS DEFINED IN SECTION TWO HUNDRED TWELVE OF THE
21 PUBLIC SERVICE LAW, OR THE AFFILIATES OF ANY OF THE FOREGOING.
22   S 2. This act shall take effect on the thirtieth day after it shall
23 have become a law.

   EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                    [ ] is old law to be omitted.
                                                           LBD00013-04-2