

686

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to allowing a private right of action for improper debt collection

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

1     Section 1. Section 602 of the general business law, as added by chap-  
2     ter 753 of the laws of 1973, is amended to read as follows:  
3     S 602. Violations and penalties. 1. Except as otherwise provided by  
4     law, any person who shall violate the terms of this article shall be  
5     guilty of a misdemeanor, and each such violation shall be deemed a sepa-  
6     rate offense.  
7     2. The attorney general or the district attorney of any county may  
8     bring an action in the name of the people of the state to restrain or  
9     prevent any violation of this article or any continuance of any such  
10    violation.  
11    3. A DEBTOR SHALL HAVE A PRIVATE RIGHT OF ACTION AGAINST ANY PERSON OR  
12    PERSONS, OTHER THAN BANKING INSTITUTIONS AS DEFINED IN SECTION NINE-F OF  
13    THE BANKING LAW, AND THEIR AFFILIATES, IN VIOLATION OF THIS ARTICLE.  
14    SUCH PERSON OR PERSONS SHALL BE LIABLE TO THE DEBTOR FOR ANY ACTUAL  
15    DAMAGES THE DEBTOR SUSTAINED AS A RESULT OF THE VIOLATION OF THIS ARTI-  
16    CLE, ANY PUNITIVE DAMAGES AWARDED BY THE COURT, AND REASONABLE ATTOR-  
17    NEY'S FEES.  
18    S 2. This act shall take effect on the sixtieth day after it shall  
19    have become a law.

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

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