

3751

2013-2014 Regular Sessions

I N   S E N A T E

February 13, 2013

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Introduced by Sens. DeFRANCISCO, BOYLE, LARKIN, MARTINS -- 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 enacting the  
"voter privacy act" to include political calls in the no telemarketing  
sales calls statewide registry

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

1     Section 1. This act shall be known and may be cited as the "voter  
2     privacy act".  
3     S 2. Paragraphs (c) and (d) of subdivision 1 of section 399-p of the  
4     general business law, as amended by chapter 581 of the laws of 1992, are  
5     amended to read as follows:  
6     (c) "consumer" means a natural person who is solicited to purchase,  
7     lease or receive a good or service for personal, family or household  
8     use, OR WHO IS SOLICITED TO SUPPORT A CANDIDATE FOR PUBLIC OFFICE, OR A  
9     POLITICAL POSITION, ISSUE OR CAUSE;  
10    (d) "consumer telephone call" means a call made to a telephone number  
11    by a telephone solicitor, whether by device, live operator, or any  
12    combination thereof, for the purpose of soliciting a sale of any consum-  
13    er goods or services for personal, family or household purposes to the  
14    consumer called, or for the purpose of soliciting an extension of credit  
15    for consumer goods or services to the consumer called, or for the  
16    purpose of obtaining information that will or may be used for the direct  
17    solicitation of a sale of consumer goods or services to the consumer  
18    called or an extension of credit for such purposes, OR FOR THE PURPOSE  
19    OF PROMOTING A CANDIDATE FOR PUBLIC OFFICE, OR A POLITICAL POSITION,  
20    ISSUE OR CAUSE; provided, however, that "consumer telephone call" shall  
21    not include a call made by a telephone corporation, as defined by subdi-  
22    vision seventeen of section two of the public service law, in response

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

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1 to a specific inquiry initiated by a consumer regarding that consumer's  
2 existing or requested telephone service; and

3 S 3. Paragraphs c and j of subdivision 1 of section 399-z of the  
4 general business law, as amended by chapter 369 of the laws of 2012, are  
5 amended to read as follows:

6 c. "Customer" means any natural person who is a resident of this state  
7 and who is or may be required to pay for or to exchange consideration  
8 for goods and services offered through telemarketing, OR WHO IS SOLICIT-  
9 ED TO SUPPORT A CANDIDATE FOR PUBLIC OFFICE, OR A POLITICAL POSITION,  
10 ISSUE OR CAUSE;

11 j. "Telemarketing sales call" means a telephone call made by a tele-  
12 marketer or by any outbound telephone calling technology that delivers a  
13 prerecorded message to a customer or to a customer's voicemail or  
14 answering machine service for the purpose of inducing payment or the  
15 exchange of any other consideration for any goods or services, OR FOR  
16 THE PURPOSE OF PROMOTING A CANDIDATE FOR PUBLIC OFFICE, OR A POLITICAL  
17 POSITION, ISSUE OR CAUSE;

18 S 4. This act shall take effect immediately.