

4582

2013-2014 Regular Sessions

I N   S E N A T E

April 12, 2013

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Introduced by Sen. KRUEGER -- 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 requiring certain information be provided before placing pre-recorded political messages

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

1     Section 1. Paragraphs (d) and (e) of subdivision 1 of section 399-p of  
2     the general business law, as amended by chapter 581 of the laws of 1992,  
3     are amended and two new paragraphs (f) and (g) are added to read as  
4     follows:  
5     (d) "consumer telephone call" means a call made to a telephone number  
6     by a telephone solicitor, whether by device, live operator, or any  
7     combination thereof, for the purpose of soliciting a sale of any consum-  
8     er goods or services for personal, family or household purposes to the  
9     consumer called, or for the purpose of soliciting an extension of credit  
10    for consumer goods or services to the consumer called, or for the  
11    purpose of obtaining information that will or may be used for the direct  
12    solicitation of a sale of consumer goods or services to the consumer  
13    called or an extension of credit for such purposes; provided, however,  
14    that "consumer telephone call" shall not include a call made by a tele-  
15    phone corporation, as defined by subdivision seventeen of section two of  
16    the public service law, in response to a specific inquiry initiated by a  
17    consumer regarding that consumer's existing or requested telephone  
18    service; [and]  
19    (e) "telephone solicitor" means a person who makes or causes to be  
20    made a consumer telephone call[.];  
21    (F) "POLITICAL COMMITTEE" SHALL HAVE THE SAME MEANING AS SUBDIVISION  
22    ONE OF SECTION 14-100 OF THE ELECTION LAW; AND  
23    (G) "PRE-RECORDED POLITICAL MESSAGE" SHALL MEAN A PRE-RECORDED AUDIO  
24    MESSAGE DELIVERED BY TELEPHONE THAT IS BY:

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

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1 I. A CANDIDATE OR POLITICAL COMMITTEE; OR

2 II. ANY PERSON WHEN THE CONTENT OF THE MESSAGE EXPRESSLY OR IMPLICITLY  
3 ADVOCATES THE SUCCESS OR DEFEAT OF ANY PARTY, MEASURE, OR PERSON AT ANY  
4 ELECTION, OR CONTAINS INFORMATION ABOUT ANY CANDIDATE OR PARTY.

5 S 2. Subdivisions 7, 8 and 9 of section 399-p of the general business  
6 law are renumbered subdivisions 8, 9 and 10 and a new subdivision 7 is  
7 added to read as follows:

8 7. (A) NO PERSON OR POLITICAL COMMITTEE SHALL DELIVER OR KNOWINGLY  
9 CAUSE TO BE DELIVERED USING AN AUTOMATIC DIALING-ANNOUNCING DEVICE A  
10 PRE-RECORDED POLITICAL MESSAGE OR CONSUMER TELEPHONE CALL UNLESS A LIVE  
11 OPERATOR PROVIDES, WITHIN THE FIRST THIRTY SECONDS OF THE MESSAGE THE  
12 FOLLOWING INFORMATION:

13 I. THE NAME OF THE CANDIDATE OR OF ANY ORGANIZATION OR ORGANIZATIONS  
14 THE PERSON IS CALLING ON BEHALF OF;

15 II. THE NAME OF THE PERSON OR ORGANIZATION PAYING FOR THE DELIVERY OF  
16 THE MESSAGE AND THE NAME OF THE TREASURER OF ANY SUCH COMMITTEE; AND

17 III. ASKS THE RECIPIENT OF SUCH CALL IF HE OR SHE DOES IN FACT WANT TO  
18 LISTEN TO SUCH CALL.

19 (B) A COPY OF ALL SUCH SCRIPTS AND SCHEDULES OF SUCH CALLS SHALL BE  
20 FILED WITH THE NEW YORK STATE BOARD OF ELECTIONS PURSUANT TO ARTICLE  
21 FOURTEEN OF THE ELECTION LAW.

22 (C) VIOLATIONS OF THIS SUBDIVISION SHALL BE PUNISHABLE BY A CIVIL FINE  
23 NOT TO EXCEED TWO THOUSAND DOLLARS PER OCCURRENCE.

24 S 3. This act shall take effect immediately.