

STATE OF NEW YORK

1416--B

2019-2020 Regular Sessions

IN ASSEMBLY

January 15, 2019

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to establishing a cap on the amount a subscriber may be charged for leasing a modem, remote or other device from a cable television company; and in relation to information cable television companies must provide to subscribers regarding availability of required equipment at retail

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public service law is amended by adding a new section
2 231 to read as follows:

3 § 231. Leasing of equipment. 1. For the purposes of this section, the
4 following terms shall have the following meanings:

5 (a) "lease" means a contract or instrument conveying property to
6 another for a specified period or for a period determinable at the will
7 of either lessor or lessee in consideration of compensation; and

8 (b) "modem" means an electronic device that makes possible the trans-
9 mission of data to or from a computer via telephone or other communi-
10 cation lines.

11 2. No cable television company shall charge any subscriber an amount
12 which is more than the actual cost of the modem, remote control or any
13 other device paid for by the company and provided to the subscriber.

14 3. A cable or internet provider shall disclose in an initial billing
15 correspondence: (a) the amount the equipment costs the company, (b) how
16 many payments the subscriber must make on the equipment in total, and
17 (c) information regarding how or where a subscriber may purchase such
18 equipment at retail.

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

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1 4. No cable television company shall charge any subscriber a monthly
2 fee for the lease or use of a new modem, remote control or other device
3 beyond twelve months after such equipment has been provided by such
4 cable television company. If a cable television company replaces the
5 customer's existing modem, remote control or other device with a new
6 modem, remote control or other device during or after such twelve month
7 period an additional twelve month period shall commence.

8 5. No cable television company shall charge an additional or monthly
9 fee for the maintenance of a provided modem, remote control or other
10 device.

11 6. Whenever there shall be a violation of this section, application
12 may be made by the commission in the name of the people of the state of
13 New York to a court or justice having jurisdiction by a special proceed-
14 ing to issue an injunction, and upon notice to the defendant of not less
15 than five days, to enjoin and restrain the continuance of such
16 violations; and if it shall appear to the satisfaction of the court or
17 justice that the defendant has, in fact, violated this section, an
18 injunction may be issued by such court or justice, enjoining and
19 restraining any further violation, without requiring proof that any
20 person has, in fact, been injured or damaged thereby.

21 7. Whenever the court shall determine that a violation of this section
22 has occurred, the court may impose a civil penalty of not more than five
23 hundred dollars for each violation.

24 § 2. Subdivision 4 of section 224-a of the public service law is
25 amended by adding a new paragraph (d) to read as follows:

26 (d) Each cable television company shall provide to each of its
27 subscribers at the time of the initial subscription and at least semi-
28 annually thereafter a written description of: (1) the equipment required
29 for such subscription; (2) information regarding how or where a
30 subscriber may purchase such equipment at retail; and (3) information
31 regarding what retail equipment is compatible with the cable television
32 company system. For purposes of this paragraph "equipment" shall include
33 but not be limited to a modem or electronic device that makes possible
34 the transmission of data to or from a computer via telephone or other
35 communication lines.

36 § 3. This act shall take effect immediately.