

STATE OF NEW YORK

5941--A

2023-2024 Regular Sessions

IN SENATE

March 23, 2023

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring businesses to notify consumers of an upcoming automatic renewal or continuous service charge thirty days prior to such charge

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

1 Section 1. Subdivisions 3 and 8 of section 527-a of the general busi-
2 ness law, as added by chapter 267 of the laws of 2020, are amended to
3 read as follows:

4 3. a. In addition to the requirements of subdivision two of this
5 section, a consumer who accepts an automatic renewal or continuous
6 service offer online shall be allowed to terminate the automatic renewal
7 or continuous service exclusively online~~[, which may include]~~. To satis-
8 fy the requirements of this subdivision, a business shall either (1)
9 provide the consumer with a model termination email [formatted and
10 provided by the business] that [a] such consumer can send to [the] such
11 business without additional information to notify such business of such
12 consumer's intent to terminate such automatic renewal or continuous
13 service, or (2) send the consumer an email containing a link to a
14 website or other online service where such consumer can terminate such
15 automatic renewal or continuous service.

16 b. A business that allows a consumer to accept an automatic renewal or
17 continuous service offer for an initial paid term of one year or longer,
18 provided that such automatic renewal or continuous service renews for a
19 paid term of one month or longer, shall notify such consumer of such
20 upcoming automatic renewal or continuous service charge to such consum-
21 er's account at least fifteen days before, but not more than thirty days

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

LBD03135-06-3

1 before, the cancellation deadline for such automatic renewal. Such
2 notice shall include instructions on how to cancel such renewal charge.

3 c. The provisions of paragraph b of this subdivision shall not apply
4 to any business, or subsidiary or affiliate thereof, regulated by the
5 public service commission or the federal communications commission.

6 8. The following are exempt from the requirements of this article:

7 a. any service provided by a business or its affiliate where either
8 the business or its affiliate is doing business pursuant to a franchise
9 issued by a political subdivision of the state;

10 b. any entity, or subsidiary or affiliate thereof, regulated by the
11 department of financial services;

12 c. security system alarm operators;

13 d. banks, bank holding companies, or the subsidiary or affiliate of
14 either, or credit unions or other financial institutions, licensed under
15 state or federal law; and

16 e. sellers and administrators of a service contract, as defined pursu-
17 ant to section seven thousand nine hundred two of the insurance law.

18 § 2. This act shall take effect immediately.