S T A T E  O F  N E W  Y O R K

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I N  A S S E M B L Y

August 4, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Maisel) -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the public service law, in relation to prohibiting telephone corporations from delivering a telephone directory to any residential telephone customer who has not submitted a request for such a directory; to amend the general business law, in relation to authorizing persons to provide notice to the publisher or distributor of any telephone directory that he or she does not want such a directory delivered to his or her residence; and to amend the environmental conservation law, in relation to telephone directory recycling

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

Section 1. Section 94 of the public service law is amended by adding a new subdivision 5 to read as follows:

5. (A) THE COMMISSION SHALL ESTABLISH RULES AND REGULATIONS PROVIDING THAT TELEPHONE CORPORATIONS SHALL ONLY BE REQUIRED TO PROVIDE TELEPHONE DIRECTORIES TO THOSE RESIDENTIAL CUSTOMERS WHO ELECT TO RECEIVE SUCH DIRECTORIES. EVERY RESIDENTIAL CUSTOMER SHALL BE NOTIFIED OF HIS OR HER OPTION TO RECEIVE A TELEPHONE DIRECTORY IN WRITTEN OR ELECTRONIC FORM AND THE MANNER IN WHICH TO EXERCISE SUCH OPTION IN EACH OF THE FOLLOWING:

(1) THE CUSTOMER'S MONTHLY SERVICE BILL;

(2) EVERY AUTOMATIC PAYMENT RECEIPT; AND

(3) UPON THE FRONT COVER AND IN THE TABLE OF CONTENTS OF EACH TELEPHONE DIRECTORY PROVIDED BY THE TELEPHONE CORPORATION.

(B) FOR THE PURPOSES OF THIS SUBDIVISION, "TELEPHONE DIRECTORY" SHALL MEAN A PUBLICATION LISTING:

(1) THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF LOCAL BUSINESSES BY TYPE, AND CONTAINING ADVERTISEMENTS PROMOTING THOSE BUSINESSES OR THE PRODUCTS THEY SELL; OR

(2) THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF INDIVIDUALS AND LOCAL BUSINESSES IN ALPHABETICAL ORDER.

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

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S 2. The general business law is amended by adding a new section 336-c to read as follows:

S 336-C. DELIVERY OF TELEPHONE DIRECTORIES; OPTION TO REFUSE. 1. FOR THE PURPOSES OF THIS SECTION, "TELEPHONE DIRECTORY" MEANS A PUBLICATION LISTING:

(A) THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF LOCAL BUSINESSES BY TYPE, AND CONTAINING ADVERTISEMENTS PROMOTING THOSE BUSINESSES OR THE PRODUCTS THEY SELL; OR

(B) THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF INDIVIDUALS AND LOCAL BUSINESSES IN ALPHABETICAL ORDER.

2. EVERY TELEPHONE DIRECTORY WHICH IS DISTRIBUTED BY ANY PERSON, THAT IS NOT A TELEPHONE CORPORATION, UNLESS UPON THE FRONT COVER THEREOF THERE IS PRINTED IN BOLD FACE TYPE IN TWENTY-FOUR POINT FONT OR LARGER, THE FOLLOWING:

(A) A STATEMENT THAT READS: "IF YOU NO LONGER WISH TO RECEIVE THIS DIRECTORY, PLEASE CALL THE FOLLOWING TOLL-FREE TELEPHONE NUMBER OR ACCESS THE FOLLOWING INTERNET WEB SITE ADDRESS .";

(B) THE DISTRIBUTOR'S TOLL-FREE TELEPHONE NUMBER; AND

(C) THE DISTRIBUTOR'S INTERNET WEB SITE ADDRESS.

3. EVERY SUCH PERSON DISTRIBUTING TELEPHONE DIRECTORIES SHALL ACCEPT NOTIFICATIONS FROM INDIVIDUALS DECLINING DELIVERY OF A TELEPHONE DIRECTORY AND SHALL MAINTAIN AN ELECTRONIC DATABASE OF THE NAMES AND ADDRESSES OF ALL SUCH INDIVIDUALS.

4. NO DISTRIBUTOR OF TELEPHONE DIRECTORIES, WHICH IS NOT A TELEPHONE CORPORATION, SHALL DELIVER A TELEPHONE DIRECTORY TO ANY INDIVIDUAL WHO HAS PROVIDED NOTICE DECLINING SUCH DIRECTORY.

5. ANY DISTRIBUTOR WHICH KNOWINGLY VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR.

S 3. Article 27 of the environmental conservation law is amended by adding a new title 29 to read as follows:

TITLE 29

TELEPHONE DIRECTORY RECYCLING

SECTION 27-2901. DEFINITIONS.
27-2903. DISTRIBUTOR RESPONSIBILITIES.
27-2905. PROHIBITED DISPOSAL.

S 27-2901. DEFINITIONS.

AS USED IN THIS TITLE:

1. "DISTRIBUTOR" MEANS ANY PERSON OR ENTITY ENGAGED IN THE PUBLICATION OR DISTRIBUTION OF TELEPHONE DIRECTORIES.

2. "TELEPHONE DIRECTORY" MEANS A PUBLICATION LISTING:

A. THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF BUSINESSES BY TYPE, AND CONTAINING ADVERTISEMENTS PROMOTING THOSE BUSINESSES OR THE PRODUCTS THEY SELL; OR

B. THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF INDIVIDUALS AND BUSINESSES IN ALPHABETICAL ORDER.

3. "INCINERATOR" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 72-0401 OF THIS CHAPTER.

4. "LANDFILL" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 72-0401 OF THIS CHAPTER.

5. "LOCAL RECYCLING LAW" MEANS A LOCAL LAW OR ORDINANCE ADOPTED PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED TWENTY-AA OF THE GENERAL MUNICIPAL LAW.

6. "RECYCLABLE MATERIALS" MEANS RECYCLABLE COMPONENTS OF SOLID WASTE WHICH HAVE BEEN SEPARATED FROM OTHER SOLID WASTE PURSUANT TO A LOCAL RECYCLING LAW.

7. "TRANSFER STATION" MEANS A SOLID WASTE MANAGEMENT FACILITY, WHETHER OWNED OR OPERATED BY A PRIVATE OR PUBLIC ENTITY, OTHER THAN A RECYCLABLES HANDLING AND RECOVERY FACILITY, USED OIL FACILITY, OR A CONSTRUCTION AND DEMOLITION DEBRIS PROCESSING FACILITY, WHERE SOLID WASTE IS RECEIVED FOR THE PURPOSE OF SUBSEQUENT TRANSFER TO ANOTHER SOLID WASTE MANAGEMENT FACILITY FOR PROCESSING, TREATING, DISPOSAL, RECOVERY, OR FURTHER TRANSFER.

8. "WASTE TRANSPORTER" MEANS ANY PERSON OR ENTITY ENGAGED IN THE OFF-SITE TRANSPORTATION OF SOLID WASTE BY AIR, RAIL, HIGHWAY OR WATER.

S 27-2903. DISTRIBUTOR RESPONSIBILITIES.

1. EVERY TELEPHONE DIRECTORY SHALL:

A. BE PRINTED ON PAPER THAT IS RECYCLABLE AND CONTAINS NOT LESS THAN THIRTY PERCENT POST-CONSUMER RECYCLED FIBER;

B. BE PRINTED WITH INKS THAT CONTAIN NO HEAVY METALS OR OTHER TOXIC MATERIALS;

C. IS BOUND WITH MATERIALS THAT POSE NO UNREASONABLE BARRIERS TO RECYCLING THE TELEPHONE DIRECTORY; AND

D. INFORMS THE RECIPIENT OF THE MEANS OF RECYCLING DISCARDED TELEPHONE DIRECTORIES.

2. EVERY DISTRIBUTOR SHALL:

A. COLLECT OR PROVIDE FOR THE COLLECTION OF DISCARDED TELEPHONE DIRECTORIES;

B. DELIVER OR PROVIDE FOR THE DELIVERY OF DISCARDED TELEPHONE DIRECTORIES TO A RECYCLER OF SUCH DIRECTORIES OR TO ANY OTHER PERSON, ENTITY OR MUNICIPALITY THAT PROVIDES FOR SUCH RECYCLING; AND

C. ANNUALLY REPORT, ON OR BEFORE AUGUST FIRST, TO THE DEPARTMENT ON THE LOCATIONS WHERE TELEPHONE DIRECTORIES ARE ACCEPTED FOR COLLECTION FOR RECYCLING AND VERIFIES THAT SUCH DIRECTORIES HAVE BEEN RECYCLED.

S 27-2905. PROHIBITED DISPOSAL.

1. NO WASTE TRANSPORTER SHALL KNOWINGLY COMMINGLE SOURCE SEPARATED TELEPHONE DIRECTORIES WITH OTHER SOLID WASTE WHICH IS NOT RECYCLABLE, OR CAUSE SOURCE SEPARATED TELEPHONE DIRECTORIES TO BE COMMINGLED WITH OTHER SOLID WASTE WHICH IS NOT RECYCLABLE.

2. NO WASTE TRANSPORTER SHALL DELIVER SOURCE SEPARATED TELEPHONE DIRECTORIES TO, OR CAUSE SOURCE SEPARATED TELEPHONE DIRECTORIES TO BE DELIVERED TO: (I) AN INCINERATOR; (II) A LANDFILL; (III) A TRANSFER STATION, UNLESS SUCH SOURCE SEPARATED TELEPHONE DIRECTORIES ARE KEPT SEPARATED FROM OTHER SOLID WASTE WHICH IS NOT RECYCLABLE; OR (IV) ANYONE WHO THE WASTE TRANSPORTER KNOWS OR SHOULD KNOW WILL EITHER COMMINGLE SUCH SOURCE SEPARATED TELEPHONE DIRECTORIES WITH OTHER SOLID WASTE WHICH IS NOT RECYCLABLE OR DELIVER SUCH SOURCE SEPARATED TELEPHONE DIRECTORIES TO AN INCINERATOR OR A LANDFILL.

3. NO OPERATOR OF AN INCINERATOR OR A LANDFILL SHALL ACCEPT SOURCE SEPARATED TELEPHONE DIRECTORIES FOR DISPOSAL.

4. NO OPERATOR OF A TRANSFER STATION SHALL COMMINGLE SOURCE SEPARATED TELEPHONE DIRECTORIES WITH OTHER SOLID WASTE WHICH IS NOT RECYCLABLE, OR TRANSFER SOURCE SEPARATED TELEPHONE DIRECTORIES OR CAUSE SOURCE SEPARATED TELEPHONE DIRECTORIES TO BE TRANSFERRED TO AN INCINERATOR OR LANDFILL FOR DISPOSAL.

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.