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2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. ORTIZ, ARROYO, ZEBROWSKI, MILLMAN, J. RIVERA, SPANO, GORDON, FIELDS, P. RIVERA, ALESSI, CLARK, CAHILL, JAFFEE, GUNTHER, ESPAILLAT, PERALTA -- Multi-Sponsored by -- M. of A. COLTON, GALEF, HOOPER, HYER-SPENCER, JOHN, V. LOPEZ, MAISEL, MAYERSOHN, PEOPLES, REILLY, WEISENBERG -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting wireless telephone service plan termination fees in excess of fifty dollars

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

1 Section 1. The general business law is amended by adding a new section
2 399-i to read as follows:
3 S 399-I. WIRELESS TELEPHONE SERVICE PLAN TERMINATION FEES. 1. NO PLAN
4 FOR THE PROVISION OF WIRELESS TELEPHONE SERVICE BY A WIRELESS TELEPHONE
5 SERVICE PROVIDER DOING BUSINESS IN THIS STATE TO A WIRELESS TELEPHONE
6 SERVICE CUSTOMER SHALL CONTAIN ANY PROVISION WHICH SHALL IMPOSE A FEE
7 FOR TERMINATING SUCH PLAN IN AN AMOUNT GREATER THAN FIFTY DOLLARS.
8 2. ANY WIRELESS TELEPHONE SERVICE PROVIDER THAT VIOLATES THE
9 PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY IN THE
10 AMOUNT OF TWO THOUSAND FIVE HUNDRED DOLLARS FOR EACH OCCURRENCE.
11 S 2. This act shall take effect on the thirtieth day after it shall
12 have become a law and shall apply to all wireless telephone service
13 plans entered into on or after such effective date.

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

LBD09973-01-9