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

6500

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:

Section 1. The general business law is amended by adding a new section 399-i to read as follows:

S 399-I. WIRELESS TELEPHONE SERVICE PLAN TERMINATION FEES. 1. NO PLAN FOR THE PROVISION OF WIRELESS TELEPHONE SERVICE BY A WIRELESS TELEPHONE SERVICE PROVIDER DOING BUSINESS IN THIS STATE TO A WIRELESS TELEPHONE SERVICE CUSTOMER SHALL CONTAIN ANY PROVISION WHICH SHALL IMPOSE A FEE FOR TERMINATING SUCH PLAN IN AN AMOUNT GREATER THAT FIFTY DOLLARS.

2. ANY WIRELESS TELEPHONE SERVICE PROVIDER THAT VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY IN THE AMOUNT OF TWO THOUSAND FIVE HUNDRED DOLLARS FOR EACH OCCURRENCE.

S 2. This act shall take effect on the thirtieth day after it shall have become a law and shall apply to all wireless telephone service 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