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

7683

2009-2010 Regular Sessions

I N A S S E M B L Y

April 21, 2009

Introduced by M. of A. BOYLAND -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to web page disclosure when engaging in sales

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 390-d to read as follows:

S 390-D. WEB PAGE DISCLOSURE. 1. FOR PURPOSES OF THIS SECTION:

(A) THE TERM "INTERNET" MEANS COLLECTIVELY THE MYRIAD OF COMPUTER AND TELECOMMUNICATIONS FACILITIES, INCLUDING EQUIPMENT AND OPERATING SOFTWARE, WHICH COMPRISE THE INTERCONNECTED WORLD-WIDE NETWORK OF NETWORKS THAT EMPLOY THE TRANSMISSION CONTROL PROTOCOL/INTERNET PROTOCOL, OR ANY PREDECESSOR OR SUCCESSOR PROTOCOLS TO SUCH PROTOCOL, TO COMMUNICATE INFORMATION OF ALL KINDS BY WIRE OR RADIO.

(B) THE TERM "WEB PAGE" MEANS A LOCATION, WITH RESPECT TO THE WORLD WIDE WEB, THAT HAS A SINGLE UNIFORM RESOURCE LOCATOR OR OTHER SINGLE LOCATION WITH RESPECT TO THE INTERNET.

2. ANY COMMERCIAL ENTITY WHO DOES BUSINESS IN THE STATE AND THAT, FOR PROFIT, OFFERS GOODS OR SERVICES FOR SALE BY MEANS OF A WEB PAGE OR OTHER USE OF THE INTERNET SHALL BE REQUIRED TO CONSPICUOUSLY DISPLAY ALL DISCLAIMERS IN A CLEAR MANNER USING AT LEAST SIZE 8 FONT.

3. ANY COMMERCIAL ENTITY THAT VIOLATES THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED DOLLARS FOR THE FIRST VIOLATION, NOT MORE THAN TWO HUNDRED FIFTY DOLLARS FOR THE SECOND VIOLATION, AND NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION THEREAFTER. THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION MAY BE ENFORCED BY THE ATTORNEY GENERAL. ANY PERSON WHO IS ADVERSELY AFFECTED BY REASON OF A VIOLATION OF SUBDIVISION TWO OF THIS SECTION MAY ENFORCE THE PROVISIONS OF THIS SECTION TO RECOVER ACTUAL DAMAGES.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

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