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

7817

2009-2010 Regular Sessions

I N A S S E M B L Y

April 24, 2009

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

AN ACT to prohibit public utility companies, cable television companies and cellular telephone service suppliers from providing, to any consumer credit reporting agency, information on late payments of or default on any fees or charges incurred by a consumer; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Notwithstanding any provision of law to the contrary, no public utility company as defined in subdivision 23 of section 2 of the public service law, municipality engaged in providing any public utility, cable television company as defined in subdivision 1 of section 212 of the public service law or wireless communications service supplier as defined in subdivision 12 of section 301 of the county law, nor the Long Island power authority or the power authority of the state of New York shall report, disclose or otherwise make available to any consumer credit reporting agency as defined in subdivision (k) of section 380-a of the general business law, any information relating to the late payment of or default on the payment of any charge or fee by a consumer for the provision of any public utility or other service or goods.

S 2. Any consumer who has been injured by reason of a violation of section one of this act may bring an action in his or her own name to enjoin such violation; an action to recover his or her actual damages or five hundred dollars, whichever is greater; or both such actions. The court may, in its discretion, increase the award of damages to an amount not to exceed three times the actual damages, if the court finds the defendant willfully and knowingly violated section one of this act. The court may award reasonable attorney's fees to a prevailing plaintiff.

S 3. This act shall take effect on the thirtieth day after it shall have become a law, and shall expire and be deemed repealed 2 years after such effective date.

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

LBD10705-01-9