

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

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

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

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22 have become a law, and shall expire and be deemed repealed 2 years after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

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

LBD10705-01-9