

4402

2009-2010 Regular Sessions

I N   S E N A T E

April 22, 2009

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Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to prohibiting the unsolicited mailing of convenience checks to consumers

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     520-d to read as follows:  
3     S 520-D. UNSOLICITED CONVENIENCE CHECKS. A. NOTWITHSTANDING ANY OTHER  
4     PROVISION OF LAW, NO ISSUER OR PERSON, FIRM, PARTNERSHIP, ASSOCIATION,  
5     CORPORATION OR AGENT ACTING ON BEHALF OF AN ISSUER, WHETHER OR NOT THE  
6     ISSUER IS LOCATED IN THIS STATE, SHALL SEND CONVENIENCE CHECKS TO A  
7     CREDIT CARD OR DEBIT CARD HOLDER UNLESS EXPRESS CONSENT OF THE CREDIT  
8     CARD OR DEBIT CARD HOLDER HAS BEEN OBTAINED.  
9     B. FOR PURPOSES OF THIS SECTION, "CONVENIENCE CHECKS" MEANS ANY NEGO-  
10    TIABLE INSTRUMENT, AS DEFINED BY SECTION 3-104 OF THE UNIFORM COMMERCIAL  
11    CODE, PROVIDED TO A CREDIT CARD OR DEBIT CARD HOLDER BY A CREDIT CARD  
12    ISSUER OR PERSON, FIRM, PARTNERSHIP, ASSOCIATION, CORPORATION OR AGENT  
13    ACTING ON BEHALF OF AN ISSUER.  
14    S 2. This act shall take effect immediately.

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

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