

3532--A

Cal. No. 115

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. GIANARIS, ESPAILLAT, BENJAMIN, JAFFEE -- Multi-Sponsored by -- M. of A. BOYLAND, COOK, HOOPER, HOYT, WEINSTEIN -- read once and referred to the Committee on Judiciary -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law, in relation to allowing a private right of action for improper debt collection

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

1 Section 1. Section 602 of the general business law, as added by chap-
2 ter 753 of the laws of 1973, is amended to read as follows:
3 S 602. Violations and penalties. 1. Except as otherwise provided by
4 law, any person who shall violate the terms of this article shall be
5 guilty of a misdemeanor, and each such violation shall be deemed a sepa-
6 rate offense.
7 2. The attorney general or the district attorney of any county may
8 bring an action in the name of the people of the state to restrain or
9 prevent any violation of this article or any continuance of any such
10 violation.
11 3. A DEBTOR SHALL HAVE A PRIVATE RIGHT OF ACTION AGAINST ANY PERSON OR
12 PERSONS, OTHER THAN BANKING INSTITUTIONS AS DEFINED IN SECTION NINE-F OF
13 THE BANKING LAW, AND THEIR AFFILIATES, IN VIOLATION OF THIS ARTICLE.
14 SUCH PERSON OR PERSONS SHALL BE LIABLE TO THE DEBTOR FOR ANY ACTUAL
15 DAMAGES THE DEBTOR SUSTAINED AS A RESULT OF THE VIOLATION OF THIS ARTI-
16 CLE, ANY PUNITIVE DAMAGES AWARDED BY THE COURT, AND REASONABLE ATTOR-
17 NEY'S FEES.
18 S 2. This act shall take effect on the sixtieth day after it shall
19 have become a law.

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