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

5308

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. P. RIVERA, COLTON, ORTIZ -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, BENJAMIN, CANESTRARI, CLARK, DelMONTE, DIAZ, FARRELL, GOTTFRIED, JOHN, LIFTON, MAGEE, PHEFFER, ROBINSON, TITUS, TOWNS, WEISENBERG -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the general business law, in relation to requiring persons or entities operating a telecommunications services system, access to which causes the caller to be charged a fee on his or her telephone service bill, to provide notice of the imposition of such fee

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 395-c to read as follows:

S 395-C. NOTICE OF THE IMPOSITION OF CHARGES OR FEES FOR CALLING CERTAIN TELEPHONE NUMBERS. 1. EVERY PERSON OR ENTITY OPERATING TELECOMMUNICATIONS EQUIPMENT, OTHER THAN A TELEPHONE CORPORATION AS DEFINED IN THE PUBLIC SERVICE LAW, ACCESS TO WHICH CAUSES THE CALLER THERETO TO INCUR THE IMPOSITION OF A CHARGE OR FEE BILLED TO HIS OR HER TELEPHONE SERVICE PROVIDER BILL, SHALL UPON THE ANSWERING OF SUCH CALL, CAUSE THE FOLLOWING MESSAGE OR WORDS TO THE EFFECT OF THE FOLLOWING TO BE PROVIDED TO THE CALLER, IN THE LANGUAGE IN WHICH INFORMATION DURING SUCH CALL WILL BE PROVIDED:

"THE CALL YOU ARE PLACING WILL COST (RATE AT WHICH FEES OR CHARGES ARE INCURRED). IN ORDER FOR YOU TO RECEIVE THE INFORMATION YOU ARE CALLING FOR, THAT FEE WILL BE CHARGED TO YOUR TELEPHONE BILL. IF YOU DO NOT WANT TO PAY THIS AMOUNT, PLEASE HANG UP."

2. NO FEE FOR PLACING A CALL TO TELECOMMUNICATIONS EQUIPMENT, OPERATED AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION, SHALL BE IMPOSED UNTIL TEN SECONDS AFTER THE PROVISION OF NOTICE OF FEES CHARGED PURSUANT TO SUCH SUBDIVISION.

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

LBD06641-01-9

3. ANY PERSON OR ENTITY WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL, UPON THE FIRST VIOLATION THEREOF, BE LIABLE FOR A CIVIL FINE OF TWO HUNDRED FIFTY DOLLARS AND, UPON A SECOND OR SUBSEQUENT VIOLATION THEREOF, BE LIABLE FOR A CIVIL FINE OF FIVE HUNDRED DOLLARS FOR EACH SUCH VIOLATION.

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