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

5699

2009-2010 Regular Sessions

I N A S S E M B L Y

February 17, 2009

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

AN ACT in relation to authorizing and directing the consumer protection board to study complaints made by customers of wireless telephone service

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

Section 1. The consumer protection board, acting through its executive director, shall conduct an analysis of complaints received by the consumer protection board, the attorney general's office and the department of public service by customers of wireless telephone service. For purposes of this section, complaints shall not include informational inquiries about wireless service. Such analysis shall include complaints from December 31, 2004 through and including the effective date of this act and shall set forth with respect to each complaint:

a. the nature of the complaint, which shall include but not be limited to the following areas:

i. complaint concerning disclosure of rates and cancellation or termination fees;

ii. complaint concerning disclosure of the calling areas serviced and the amount of roaming fees charged for calls placed outside of such areas;

iii. complaint concerning disclosure of taxes and other additional charges and fees contained in monthly bills;

iv. complaints concerning disclosure of variable rates based on time of day call was made or location from which call was made;

v. complaint concerning disclosure of the time periods for which free or reduced rate calls may be placed;

vi. complaint that the service contract was not written in plain language;

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

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vii. complaint whether or not the wireless telephone company offers a trial period during which the service contract may be terminated by the customer;

viii. complaint concerning the lack of estimated invoice information provided to the customer for review prior to the purchase of a service contract;

ix. complaint concerning disclosure of the policy used for the termination of service contracts;

x. any other information the consumer protection board, attorney general and department of public service may deem relevant; and

b. the action taken in response to such complaint; and

c. the timeliness of such response; and

d. the type of wireless service provider; and such types shall include but not be limited to a facilities-based provider licensed by the federal communications commission, a reseller of wireless service, or an independent agent distributing devices on behalf of the facilities-based provider or reseller of wireless service.

S 2. The consumer protection board, acting through its executive director, the department of public service and the attorney general shall seek data regarding complaints set forth in section one of this act from wireless service providers so as to provide the legislature with sufficient data to permit the legislature to act on the recommendations by the consumer protection board.

S 3. The consumer protection board shall make a report of its findings to the governor and the legislature on or before December 31, 2010. Such report shall include the analysis required pursuant to this act.

S 4. This act shall take effect immediately.