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

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I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. N. RIVERA, DelMONTE, PEOPLES-STOKES, JOHN, ROSENTHAL, LIFTON, GALEF, COLTON, RAMOS, BOYLAND, CHRISTENSEN, PHEFFER, STIRPE, CARROZZA, LUPARDO, KOON, SCHIMEL, ESPAILLAT, GIBSON, TITUS, MAYERSOHN, ORTIZ, CASTRO, SCARBOROUGH, MENG, HOOPER, M. MILLER -- Multi-Sponsored by -- M. of A. ALFANO, BARRON, COOK, DESTITO, ENGLEBRIGHT, ERRIGO, GABRYSZAK, GANTT, GLICK, GOTTFRIED, GUNTHER, HEASTIE, HIKIND, HYER-SPENCER, JAFFEE, JEFFRIES, LATIMER, MAGEE, MAGNARELLI, MARKEY, McENENY, J. MILLER, MILLMAN, NOLAN, REILLY, J. RIVERA, SAYWARD, TITONE, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Corporations, Authorities and Commissions -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public service law and the general business law, in relation to providing for unlisted telephone numbers without charge for certain victims of domestic violence

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

Section 1. Section 91 of the public service law is amended by adding a new subdivision 7 to read as follows:

7. EVERY LOCAL EXCHANGE TELEPHONE CORPORATION, AS DEFINED IN THIS CHAPTER SHALL, AT ITS OPTION: (A) ALLOW A CUSTOMER TO USE A MODIFIED OR ALTERNATIVE NAME FOR A DIRECTORY LISTING OR (B) WAIVE THE OTHERWISE APPLICABLE CHARGES FOR A NON-PUBLISHED TELEPHONE LISTING, WHERE THE CUSTOMER REQUESTS PROTECTION OF ITS IDENTITY IN CONNECTION WITH THE CUSTOMER'S PURCHASE OF TELEPHONE SERVICE AND THE CUSTOMER IS A VICTIM OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL SERVICES LAW, AND FOR WHOSE BENEFIT ANY ORDER OF PROTECTION,

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

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OTHER THAN A TEMPORARY ORDER OF PROTECTION, HAS BEEN ISSUED BY A COURT OF COMPETENT JURISDICTION. THIS WAIVER OF CHARGES SHALL BE FOR THE DURATION OF THE APPLICABLE, NON-TEMPORARY, ORDER. ANY NON-PUBLISHED LISTINGS PROVIDED IN THIS SUBDIVISION SHALL CONFORM TO ALL THE SAME REQUIREMENTS OF OTHER NON-PUBLISHED LISTINGS. A CUSTOMER REQUESTING SUCH AN ACCOMMODATION SHALL PROVIDE A COPY OF THE ORDER OF PROTECTION TO THE APPLICABLE TELEPHONE PROVIDER.

S 2. The general business law is amended by adding a new section 399-yy to read as follows:

S 399-YY. CABLE TELEVISION COMPANY PROVIDING TELEPHONE SERVICES. EVERY CABLE TELEVISION COMPANY, AS DEFINED IN SECTION TWO HUNDRED TWELVE OF THE PUBLIC SERVICE LAW, THAT PROVIDES TELEPHONE SERVICE TO CUSTOMERS IN NEW YORK SHALL, AT ITS OPTION: A. ALLOW A CUSTOMER TO USE A MODIFIED OR ALTERNATIVE NAME FOR A DIRECTORY LISTING OR B. WAIVE THE OTHERWISE APPLICABLE CHARGES FOR A NON-PUBLISHED TELEPHONE LISTING, WHERE THE CUSTOMER REQUESTS PROTECTION OF ITS IDENTITY IN CONNECTION WITH THE CUSTOMER'S PURCHASE OF TELEPHONE SERVICE AND THE CUSTOMER IS A VICTIM OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL SERVICES LAW, AND FOR WHOSE BENEFIT ANY ORDER OF PROTECTION, OTHER THAN A TEMPORARY ORDER OF PROTECTION, HAS BEEN ISSUED BY A COURT OF COMPETENT JURISDICTION. THIS WAIVER OF CHARGES SHALL BE FOR THE DURATION OF THE APPLICABLE, NON-TEMPORARY, ORDER. ANY NON-PUBLISHED LISTINGS PROVIDED IN THIS SECTION SHALL CONFORM TO ALL THE SAME REQUIREMENTS OF OTHER NON-PUBLISHED LISTINGS. A CUSTOMER REQUESTING SUCH AN ACCOMMODATION SHALL PROVIDE A COPY OF THE ORDER OF PROTECTION TO THE APPLICABLE TELEPHONE PROVIDER.

S 3. The New York state office for prevention of domestic violence and the office of children and family services are hereby authorized and directed to assist the New York state department of public service in preparing a comprehensive study documenting: (1) the number of victims of domestic violence who have received either a modified or alternative name for a directory listing, or a non-published telephone listing with all applicable charges waived, between the effective date of this act and April 15, 2011; (2) the fiscal implications for New York telephone services' providers of providing either a modified or alternative name for a directory listing, or a non-published telephone listing with all applicable charges waived; and (3) whether any grants, foundation funding or other funding exists that could continue to provide said victims of domestic violence with the valuable service of non-published listings, or modified or alternative listings, at no cost, without a fiscal impact upon the state of New York, or upon the telephone corporations or cable television companies providing such service. The findings and results of the study shall be delivered, in the form of a report to the governor, the temporary president of the senate, and the speaker of the assembly on May 3, 2011. The report shall also include recommended legislation that will assist in effectuating the legislature's goal of providing additional protection for the victims of domestic violence by aiding them in keeping their telephone number unknown by the perpetrator of violence upon them.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however effective immediately, the public service commission is authorized to promulgate any and all rules and regulations, and take any other measures necessary to implement this act on its effective date on or before such date.