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

8533

2009-2010 Regular Sessions

I N A S S E M B L Y

May 27, 2009

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

AN ACT to amend the general business law, in relation to requiring captioned telephones in hotels and motels

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 209-h to read as follows:

S 209-H. CAPTIONED TELEPHONES REQUIRED. 1. FOR THE PURPOSE OF THIS SECTION: THE TERM "CAPTIONED TELEPHONE" SHALL MEAN ANY SPECIALIZED PHONE THAT UTILIZES THE PRE-EXISTING NEW YORK STATE CAPTIONED TELEPHONE SERVICE, THE COST OF WHICH IS COVERED BY TELECOMMUNICATIONS RELAY SERVICE (TRS) FUNDS ALLOCATED IN TITLE IV OF THE AMERICANS WITH DISABILITIES ACT (ADA). WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, ALL HOTELS OR MOTELS IN THE STATE BETWEEN FIFTY AND ONE HUNDRED UNITS IN SIZE ARE REQUIRED TO OWN AT LEAST ONE CAPTIONED TELEPHONE, HOTELS OR MOTELS ONE HUNDRED ONE-TWO HUNDRED UNITS IN SIZE ARE REQUIRED TO OWN AT LEAST TWO CAPTIONED TELEPHONES, HOTELS OR MOTELS WITH MORE THAN TWO HUNDRED UNITS ARE REQUIRED TO OWN AT LEAST THREE CAPTIONED TELEPHONES. SUCH TELEPHONES ARE REQUIRED TO BE KEPT IN WORKING CONDITION. AT THE REQUEST OF A PATRON WHO CLAIMS TO BE HEARING IMPAIRED, THE HOTEL OR MOTEL IS TO PROVIDE SAID PATRON WITH A CAPTIONED TELEPHONE. THE CAPTIONED TELEPHONE WILL BE PLUGGED INTO THE ANALOG TELEPHONE PORT IN THE PATRON'S ROOM. WHEN ALL AVAILABLE CAPTIONED TELEPHONE UNITS ARE IN USE, PATRONS ARE TO BE PLACED ON A WAITING LIST IN ORDER OF REQUEST AND TO BE PROVIDED WITH A CAPTIONED TELEPHONE AS SOON AS ONE BECOMES AVAILABLE. IN CASES WHEN THE HOTEL OR MOTEL OPERATES A DIGITAL SUBSCRIBER LINE (DSL), SUCH HOTEL OR MOTEL IS REQUIRED TO POSSESS ONE INLINE ANALOG FILTER PER REQUIRED CAPTIONED TELEPHONE, TO BE INSTALLED BETWEEN THE PHONE JACK AND THE CAPTIONED TELEPHONE. INLINE FILTERS ARE COMMONLY AVAILABLE FROM THE DSL PROVIDER. NOTHING IN THIS SECTION SHALL BE

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

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CONSTRUED AS PREVENTING A HOTEL OR MOTEL FROM OWNING AND OPERATING MORE THAN THE REQUIRED NUMBER OF CAPTIONED TELEPHONES.

2. AT THE MAIN RECEPTION DESK, HOTELS OR MOTELS SUBJECT TO THIS SECTION ARE REQUIRED TO DISPLAY NOTIFICATION OF THE CAPTIONED TELEPHONE SERVICE OUTLINED IN SUBDIVISION ONE OF THIS SECTION AND RIGHTS OUTLINED IN SUBDIVISION THREE OF THIS SECTION, WITHIN VIEW OF THE GENERAL PUBLIC.

3. FAILURE BY A HOTEL OR MOTEL TO MAINTAIN IN OPERATIONAL CONDITION THE NUMBER OF CAPTIONED TELEPHONES REQUIRED BY SUBDIVISION ONE OF THIS SECTION, OR FAILURE TO PROPERLY INFORM THE PUBLIC OF THE PROVISIONS OF THIS SECTION AS REQUIRED IN SUBDIVISION TWO OF THIS SECTION, SHALL QUALIFY AS DISCRIMINATION AGAINST THE HEARING IMPAIRED, AS DEFINED BY THE HUMAN RIGHTS LAW. WHEN A PATRON BELIEVES HE OR SHE HAS BEEN DISCRIMINATED AGAINST, HE OR SHE SHALL FILE A COMPLAINT WITH THE NEW YORK STATE DIVISION OF HUMAN RIGHTS IN ACCORDANCE WITH THE DIVISION'S COMPLAINT PROCESS.

S 2. This act shall take effect immediately.