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

1376--A

2009-2010 Regular Sessions

I N  S E N A T E

January 29, 2009

Introduced by Sens. STAVISKY, ADAMS, DIAZ, HUNTLEY, C. JOHNSON, KRUEGER, ONORATO, PARKER, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to credit billing errors

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

Section 1. Subdivision 2 of section 707 of the general business law, as added by chapter 407 of the laws of 1973, is amended to read as follows:

2. If such amount is in fact a billing error, is liable to the consumer in an amount equal to the sum of:

(a) the actual damages sustained by the consumer as a result of the failure of the creditor to comply with such section;

(b) twice the amount of the billing error shown in the statement of the consumer's account except that liability under this paragraph shall not be greater than [one] FOUR hundred dollars; and

(c) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

S 2. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.

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

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