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

821

2009-2010 Regular Sessions

I N S E N A T E

January 18, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to protecting the privacy of telecommunications subscribers

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

Section 1. The public service law is amended by adding a new article 5-A to read as follows:

ARTICLE 5-A

TELECOMMUNICATIONS PRIVACY LAW

SECTION 104. SHORT TITLE.
104-A. LEGISLATIVE INTENT.
104-B. DEFINITIONS.
104-C. COLLECTION, USE OR DISCLOSURE OF INFORMATION.
104-D. SUBSCRIBER NOTICE OF CARRIER INFORMATION PRACTICES.
104-E. THIRD PARTIES.
104-F. SUBSCRIBER'S RIGHT TO INSPECT AND CORRECT INFORMATION.
104-G. MONITORING OR INTERCEPTING UPSTREAM COMMUNICATIONS CHANNELS.
104-H. SECURITY MEASURES.
104-I. EXCEPTION TO WRITTEN AUTHORIZATION REQUIREMENT.
104-J. EXAMINATION OR DISCLOSURE OF AGGREGATE DATA.
104-K. ENFORCEMENT.
104-L. SEPARABILITY CLAUSE.

S 104. SHORT TITLE. THIS ARTICLE MAY BE CITED AS THE "TELECOMMUNICATIONS PRIVACY LAW."

S 104-A. LEGISLATIVE INTENT. 1. THE LEGISLATURE FINDS THAT RECENT ADVANCES IN TELECOMMUNICATIONS AND INFORMATION TECHNOLOGIES HAVE RAPIDLY EXPANDED THE COLLECTION OF PERSONAL DATA ON INDIVIDUALS. THE KINDS OF DATA WHICH CAN BE GATHERED AND THE SPEED WITH WHICH THAT DATA CAN BE

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

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CORRELATED, RETRIEVED AND DISSEMINATED ARE SUBSTANTIALLY INCREASING. THE INCREASING USE OF THESE TECHNOLOGIES AND THEIR RELATED SYSTEMS, CHANNELS AND SERVICES HAS A SERIOUS POTENTIAL FOR INJURY TO INDIVIDUAL PRIVACY THAT CAN OCCUR FROM ANY COLLECTION, MAINTENANCE, USE OR DISSEMINATION OF PERSONAL INFORMATION.

2. THE RIGHT TO PRIVACY IS A PERSONAL AND FUNDAMENTAL RIGHT WORTHY OF PROTECTION THROUGH APPROPRIATE LEGISLATION.

3. EXISTING FEDERAL AND STATE LAWS DO NOT PROVIDE COMPREHENSIVE PRIVACY PROTECTION FOR THE WIDE RANGE OF TECHNOLOGIES BEING USED IN TELECOMMUNICATIONS. AMONG THESE ARE TELEPHONY, OPEN VIDEO SYSTEMS, CABLE TELEVISION, SATELLITE VIDEO SERVICES, WIRELESS VIDEO SERVICES AND WIRELESS VOICE SERVICES. THE LEGISLATURE INTENDS TO PROTECT THE WELFARE OF THE PEOPLE OF NEW YORK BY ENABLING THEM TO PARTICIPATE IN THE USE OF SUCH TECHNOLOGIES WITHOUT UNDULY SACRIFICING THEIR PERSONAL PRIVACY.

4. THE LEGISLATURE ALSO INTENDS THAT BUSINESSES ENGAGING IN TELECOMMUNICATIONS SERVICES IN NEW YORK SHOULD ALSO BENEFIT FROM COMPREHENSIVE PRIVACY PROTECTION FOR INDIVIDUALS. COMPREHENSIVE RULES FOR ALL TELECOMMUNICATIONS FIRMS SHOULD CREATE A LEVEL PLAYING FIELD BY ELIMINATING EXISTING DISPARITIES BETWEEN PRIVACY REQUIREMENTS FOR DIFFERENT TYPES OF TECHNOLOGIES. MOREOVER, IF NEW YORK CONSUMERS CAN USE THE NEW TECHNOLOGIES WITH ASSURANCE THAT THEIR PRIVACY IS PROTECTED, MORE CONSUMERS WILL BE LIKELY TO PARTICIPATE IN THEIR USE.

5. IN ORDER TO MEET THESE GOALS, THIS ARTICLE IS BASED ON THE PRINCIPLES THAT TELECOMMUNICATIONS FIRMS SHOULD COLLECT, USE AND DISCLOSE ONLY SUCH INFORMATION AS THEY GENUINELY NEED AND THAT INDIVIDUALS SHOULD KNOW WHAT INFORMATION IS COLLECTED ON THEM AND SHOULD CONTROL ITS DISCLOSURE.

S 104-B. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "TELECOMMUNICATIONS" MEANS THE TRANSMISSION BETWEEN OR AMONG POINTS SPECIFIED BY THE USER, OF INFORMATION OF THE USER'S CHOOSING, WITHOUT CHANGE IN THE FORM OR CONTENT OF THE INFORMATION AS SENT AND RECEIVED, BY MEANS OF ELECTROMAGNETIC TRANSMISSION, WITH OR WITHOUT BENEFIT OF ANY CLOSED TRANSMISSION MEDIUM, INCLUDING ALL INSTRUMENTALITIES, FACILITIES, APPARATUS, AND SERVICES (INCLUDING THE COLLECTION, STORAGE, FORWARDING, SWITCHING, AND DELIVERY OF SUCH INFORMATION) ESSENTIAL TO SUCH TRANSMISSION.

2. "TELECOMMUNICATIONS CARRIER" MEANS ANY PROVIDER OF TELECOMMUNICATIONS SERVICES.

3. "SUBSCRIBER" MEANS ANY PERSON WHO RECEIVES ANY FORM OF TELECOMMUNICATIONS SERVICE AND ANY OTHER AUTHORIZED USER OF A PERSON'S SUBSCRIBER TERMINAL.

4. "PERSONALLY IDENTIFIABLE INFORMATION" MEANS ANY INFORMATION THAT IDENTIFIES ANY PERSON AS A SUBSCRIBER TO, OR USER OF, A TELECOMMUNICATIONS CARRIER, OR THAT OTHERWISE PROVIDES INFORMATION ABOUT THAT INDIVIDUAL OR HIS USE OF ANY SERVICE PROVIDED BY A TELECOMMUNICATIONS CARRIER, EXCEPT LISTING INFORMATION PUBLISHED IN "WHITE PAGES" DIRECTORIES.

5. "ORDINARY COURSE OF BUSINESS" MEANS THE PROVISION OF (A) THE TELECOMMUNICATIONS SERVICE FROM WHICH PERSONALLY IDENTIFIABLE INFORMATION IS DERIVED, OR (B) SERVICES NECESSARY TO, OR USED IN, THE PROVISION OF SUCH TELECOMMUNICATIONS SERVICE, INCLUDING THE PUBLISHING OF DIRECTORIES.

6. "UPSTREAM COMMUNICATIONS CHANNEL" MEANS A SIGNALING PATH PROVIDED BY A TELECOMMUNICATIONS CARRIER FOR THE TRANSMISSION OF SIGNALS OVER A TELECOMMUNICATIONS SYSTEM FROM SUBSCRIBER TERMINALS.

7. "INTERCEPT" MEANS TO ACQUIRE, AT ANY TIME FROM INITIATION TO COMPLETION OF A SIGNAL TRANSMISSION OVER A TELECOMMUNICATIONS SYSTEM, THE CONTENT OF THE INFORMATION CONTAINED IN THAT SIGNAL.

8. "THIRD PARTY" MEANS A PERSON OTHER THAN THE SUBSCRIBER OR A TELECOMMUNICATIONS CARRIER OR ANY AFFILIATE OR AGENT THEREOF; BUT, SUCH TERM SHALL NOT INCLUDE AN INTERCONNECTING CARRIER OR AN ORGANIZATION WHOSE OBJECTIVE IS THE DETECTION, ELIMINATION OR REDUCTION OF TOLL FRAUD, WHICH HAS A DEMONSTRABLE AND REASONABLE REQUIREMENT FOR PERSONALLY IDENTIFIABLE INFORMATION.

9. "GENERALLY AVAILABLE DATA BASE" MEANS A SINGLE COLLECTION OF PERSONALLY IDENTIFIABLE INFORMATION GENERALLY USED BY A TELECOMMUNICATIONS CARRIER IN THE ORDINARY COURSE OF BUSINESS. THE PERSONALLY IDENTIFIABLE INFORMATION CONTAINED IN SUCH DATA BASE MAY INCLUDE SUCH INFORMATION AS SUBSCRIBER NAME AND ADDRESS, AMOUNT DUE, EQUIPMENT, BILLING RECORDS, CONTRACTS WITH THE SUBSCRIBER, DEPOSIT INFORMATION, PAYMENT INFORMATION AND BILLING ADJUSTMENTS.

S 104-C. COLLECTION, USE OR DISCLOSURE OF INFORMATION. A TELECOMMUNICATIONS CARRIER MAY COLLECT, RECEIVE, STORE, AGGREGATE, USE, RENT, SELL, RELEASE OR DISCLOSE PERSONALLY IDENTIFIABLE INFORMATION RELATING TO ANY SUBSCRIBER, SUBSCRIBER HOUSEHOLD, OR USER OF A SUBSCRIBER TERMINAL ONLY:

1. TO THE EXTENT NECESSARY TO PROVIDE THE CARRIER'S TELECOMMUNICATIONS SERVICES IN THE ORDINARY COURSE OF BUSINESS;

2. WITH THE SUBSCRIBER CONSENT DESCRIBED IN SECTION ONE HUNDRED FOUR-D OF THIS ARTICLE;

3. TO DETECT THE UNAUTHORIZED RECEIPT OF TELECOMMUNICATIONS SERVICES, INCLUDING COOPERATIVE EFFORTS AMONG CARRIERS TO DETECT, ELIMINATE OR REDUCE TOLL FRAUD;

4. PURSUANT TO A COURT ORDER OR SUBPOENA;

5. AS SPECIFICALLY PERMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION OR THE PUBLIC SERVICE COMMISSION; OR

6. OTHERWISE PURSUANT TO LAW.

S 104-D. SUBSCRIBER NOTICE OF CARRIER INFORMATION PRACTICES. 1. A TELECOMMUNICATIONS CARRIER MUST NOTIFY A SUBSCRIBER OF THE GENERAL CIRCUMSTANCES UNDER WHICH PERSONALLY IDENTIFIABLE INFORMATION, MAY BE COLLECTED, USED OR DISCLOSED.

2. IN THE CASE OF A SUBSCRIBER CONTRACT ENTERED INTO ON OR BEFORE THE EFFECTIVE DATE OF THIS ARTICLE, THE NOTICE MUST BE PROVIDED WITHIN ONE HUNDRED TWENTY DAYS IMMEDIATELY AFTER SUCH DATE. IN THE CASE OF A SUBSCRIBER CONTRACT ENTERED INTO AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE NOTICE SHALL BE PROVIDED AT THE TIME THAT THE CONTRACT IS ENTERED INTO. AFTER THE INITIAL NOTICE, NOTICE MUST BE PROVIDED AT LEAST ANNUALLY.

3. NOTICE MUST BE IN WRITING, CLEAR AND CONSPICUOUS, AND IN PLAIN ENGLISH.

4. THE TELECOMMUNICATIONS CARRIER SHALL NOT USE PERSONALLY IDENTIFIABLE INFORMATION IN A MANNER OTHER THAN THAT DESCRIBED IN THE NOTICE WITHOUT FURTHER WRITTEN NOTICE TO THE SUBSCRIBER AND, WHERE REQUIRED BY THIS ARTICLE, THE CONSENT OF THE SUBSCRIBER.

5. A SUBSCRIBER MAY WITHDRAW HIS PERMISSION AT ANY TIME. THIS WITHDRAWAL SHALL TAKE EFFECT THIRTY DAYS AFTER THE SUBSCRIBER NOTIFIES THE TELECOMMUNICATIONS CARRIER THAT CONSENT IS BEING WITHDRAWN.

6. A TELECOMMUNICATIONS CARRIER SHALL NOT REFUSE TO PROVIDE ANY TELECOMMUNICATIONS SERVICE TO ANY PERSON ON ACCOUNT OF THAT PERSON'S REFUSING TO GRANT CONSENT TO COLLECT, USE OR DISCLOSE PERSONALLY IDENTIFIABLE INFORMATION.

7. A TELECOMMUNICATIONS CARRIER MUST OBTAIN A SUBSCRIBER'S AFFIRMATIVE CONSENT BEFORE THE CARRIER MAY RENT, SELL, RELEASE OR DISCLOSE THE SUBSCRIBER'S PERSONALLY IDENTIFIABLE INFORMATION TO A THIRD PARTY, EXCEPT AS AUTHORIZED IN SECTION ONE HUNDRED FOUR-C OF THIS ARTICLE. SUCH

AFFIRMATIVE CONSENT MAY BE OBTAINED ONLY IF THE TELECOMMUNICATIONS CARRIER HAS NOTIFIED THE SUBSCRIBER OF: (A) THE KIND OF PERSONALLY IDENTIFIABLE INFORMATION THAT THE CARRIER WILL COLLECT AND THE INTENDED USE OF THAT INFORMATION; (B) THE NATURE, FREQUENCY, AND PURPOSE OF ANY DISCLOSURE OF THAT INFORMATION; AND (C) THE PERSONS TO WHOM DISCLOSURE MAY BE MADE.

S 104-E. THIRD PARTIES. 1. USE OF PERSONALLY IDENTIFIABLE INFORMATION BY THOSE RECEIVING THE INFORMATION FROM A TELECOMMUNICATIONS CARRIER PURSUANT TO THE PROVISIONS OF THIS ARTICLE IS LIMITED TO THE PURPOSES FOR WHICH THE DISCLOSURE IS MADE.

2. CONCURRENT WITH, OR PRIOR TO, THE PROVISION OF PERSONALLY IDENTIFIABLE INFORMATION TO OTHERS PURSUANT TO THE PROVISIONS OF THIS ARTICLE, A TELECOMMUNICATIONS CARRIER SHALL GIVE NOTICE TO THE PERSON RECEIVING THE INFORMATION OF THE PROVISIONS OF THIS ARTICLE. IF PERSONALLY IDENTIFIABLE INFORMATION IS PROVIDED ON A CONTINUING BASIS, NOTICE SHALL BE PROVIDED AT THE TIME OF OR PRIOR TO THE PROVISION OF THE FIRST OF SUCH INFORMATION AND ANNUALLY THEREAFTER.

3. A THIRD PARTY WHICH HAS RECEIVED PERSONALLY IDENTIFIABLE INFORMATION PURSUANT TO THIS ARTICLE SHALL NOT RETAIN THAT INFORMATION IF NO LONGER NEEDED FOR THE PURPOSES FOR WHICH IT WAS ACQUIRED, NOR SHALL THE PARTY RENT, SELL, RELEASE, OR OTHERWISE DISCLOSE THAT INFORMATION TO ANY PERSON, UNLESS THE THIRD PARTY DOES SO IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

4. EVERY THIRD PARTY RECEIVING PERSONALLY IDENTIFIABLE INFORMATION PURSUANT TO THIS SECTION SHALL CERTIFY ANNUALLY TO THE INFORMATION PROVIDER IN WRITING THAT IT IS COMPLYING WITH THE PROVISIONS OF THIS ARTICLE.

S 104-F. SUBSCRIBER'S RIGHT TO INSPECT AND CORRECT INFORMATION. 1. A TELECOMMUNICATIONS CARRIER SHALL DISCLOSE TO A SUBSCRIBER ALL PERSONALLY IDENTIFIABLE INFORMATION WHICH THE CARRIER POSSESSES PERTAINING TO THAT SUBSCRIBER STORED ON ITS GENERALLY APPLICABLE DATA BASE, UPON WRITTEN REQUEST OF THE SUBSCRIBER. SUCH DISCLOSURE SHALL BE MADE WITHIN A REASONABLE TIME FROM THE RECEIPT OF THE SUBSCRIBER'S REQUEST.

2. A SUBSCRIBER MAY REQUEST TO EXAMINE A COPY OF THE INFORMATION DESCRIBED IN THIS SECTION UPON REASONABLE NOTICE. THE INFORMATION SUPPLIED TO THE SUBSCRIBER SHALL BE IN A LEGIBLE FORMAT, WHICH IS CAPABLE OF BEING UNDERSTOOD BY A REASONABLE PERSON. THE SUBSCRIBER SHALL BEAR REASONABLE COPYING AND MAILING COSTS OCCASIONED BY THE EXAMINATION.

3. A TELECOMMUNICATIONS CARRIER SHALL CORRECT THE INFORMATION UPON A REASONABLE SHOWING BY THE SUBSCRIBER THAT PERSONALLY IDENTIFIABLE INFORMATION CONTAINED THEREIN IS INACCURATE. IF THE TELECOMMUNICATIONS CARRIER AND SUBSCRIBER CANNOT RESOLVE A DISPUTE ABOUT THE ACCURACY OF ANY INFORMATION CONCERNING THE SUBSCRIBER, THE SUBSCRIBER MAY APPEND TO THE CARRIER'S RECORD OF INFORMATION A STATEMENT SETTING FORTH THE NATURE OF THE DISPUTE. SUCH STATEMENT SHALL BE RETAINED IN THE CARRIER'S RECORDS SO LONG AS THE DISPUTED INFORMATION IS RETAINED. WITHIN FORTY-FIVE DAYS OF RECEIVING THIS NOTIFICATION FROM THE SUBSCRIBER, THE TELECOMMUNICATIONS CARRIER SHALL TRANSMIT A CORRECTED COPY OF THE INFORMATION, OR THE SUBSCRIBER'S APPENDED STATEMENT, TO ANY PARTY WHICH WAS GIVEN THE ERRONEOUS INFORMATION. COPIES OF ALL SUCH CORRESPONDENCE SHALL BE SENT TO THE SUBSCRIBER.

S 104-G. MONITORING OR INTERCEPTING UPSTREAM COMMUNICATIONS CHANNELS. 1. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, INFORMATION DERIVED FROM ANY SIGNAL OF AN UPSTREAM COMMUNICATIONS CHANNEL TRANSMITTED FROM A SUBSCRIBER TERMINAL FOR THE PURPOSE OF MONITORING INDIVIDUAL HOUSEHOLD OR COMMUNICATING PATTERNS MAY NOT BE DISCLOSED EXCEPT WITH THE WRITTEN

AUTHORIZATION OF THE SUBSCRIBER. SUCH AUTHORIZING DOCUMENT MUST EXPLAIN IN CLEAR AND PLAIN ENGLISH THAT INFORMATION CONCERNING THE SUBSCRIBER'S VIEWING PATTERNS OR PRACTICES MAY BE DISCLOSED. THE PROVISION OF TELEPHONY SERVICES SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS SUBDIVISION.

2. EXCEPT AS OTHERWISE PROVIDED BY LAW, NO PERSON SHALL INTERCEPT A SIGNAL OF AN UPSTREAM COMMUNICATIONS CHANNEL TRANSMITTED FROM A SUBSCRIBER TERMINAL EXCEPT THE SUBSCRIBER AND THE INTENDED RECEIVER OF THE SIGNAL.

S 104-H. SECURITY MEASURES. A TELECOMMUNICATIONS CARRIER SHALL MAINTAIN SUCH SAFEGUARDS AS ARE NECESSARY TO ENSURE THE PHYSICAL AND ELECTRONIC SECURITY AND CONFIDENTIALITY OF ANY PERSONALLY IDENTIFIABLE INFORMATION CONCERNING SUBSCRIBERS.

S 104-I. EXCEPTION TO WRITTEN AUTHORIZATION REQUIREMENT. WRITTEN AUTHORIZATION SHALL NOT BE REQUIRED FOR A TELECOMMUNICATIONS CARRIER TO CONDUCT SYSTEM-WIDE OR INDIVIDUALLY ADDRESSED MONITORING FOR THE PURPOSES OF VERIFYING SYSTEM INTEGRITY, CONTROLLING RETURN TRANSMISSION PATHS, OR FOR ANY PURPOSES FOR WHICH PERSONALLY IDENTIFIABLE INFORMATION MAY BE LAWFULLY ACQUIRED PURSUANT TO THIS ARTICLE.

S 104-J. EXAMINATION OR DISCLOSURE OF AGGREGATE DATA. THIS ARTICLE SHALL NOT PROHIBIT THE EXAMINATION OF AGGREGATE DATA BY, OR THE DISCLOSURE OF SUCH DATA TO, ANY THIRD PARTY, PROVIDED THAT THE DATA CONTAINS NO PERSONALLY IDENTIFIABLE INFORMATION CONCERNING ANY SUBSCRIBER, HIS OR HER HOUSEHOLD, OR A USER OF HIS OR HER TERMINAL.

S 104-K. ENFORCEMENT. 1. ANY PERSON FOUND TO HAVE VIOLATED THIS ARTICLE, WITH GROSS NEGLIGENCE, SHALL BE LIABLE TO THE AGGRIEVED SUBSCRIBER FOR ALL ACTUAL DAMAGES SUSTAINED BY SUCH SUBSCRIBER AS A DIRECT RESULT OF THE VIOLATION, PROVIDED THAT ANY SUBSCRIBER WHO PREVAILS OR SUBSTANTIALLY PREVAILS IN ANY ACTION BROUGHT UNDER THIS SECTION SHALL RECEIVE NOT LESS THAN FIVE HUNDRED DOLLARS IN DAMAGES, REGARDLESS OF THE AMOUNT OF ACTUAL DAMAGE PROVED, PLUS COSTS, DISBURSEMENTS AND REASONABLE ATTORNEYS' FEES.

2. WHENEVER THERE SHALL BE A VIOLATION OF THIS ARTICLE, AN APPLICATION MAY BE MADE BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO A COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL PROCEEDING TO ISSUE AN INJUNCTION, AND UPON NOTICE TO THE DEFENDANT OF NOT LESS THAN FIVE DAYS, TO ENJOIN AND RESTRAIN THE CONTINUATION OF SUCH VIOLATION; AND IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE DEFENDANT HAS, IN FACT, VIOLATED THIS ARTICLE, AN INJUNCTION MAY BE ISSUED BY SUCH COURT OR JUSTICE, ENJOINING AND RESTRAINING ANY FURTHER VIOLATION, WITHOUT REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN INJURED OR DAMAGED THEREBY. IN ANY SUCH PROCEEDING, THE COURT MAY MAKE ALLOWANCES TO THE ATTORNEY GENERAL AS PROVIDED IN PARAGRAPH SIX OF SUBDIVISION (A) OF SECTION EIGHTY-THREE HUNDRED THREE OF THE CIVIL PRACTICE LAW AND RULES AND DIRECT RESTITUTION. WHENEVER THE COURT SHALL DETERMINE THAT A GROSSLY NEGLIGENT VIOLATION OF THIS ARTICLE HAS OCCURRED, THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR SUCH VIOLATION. IN CONNECTION WITH ANY SUCH PROPOSED APPLICATION, THE ATTORNEY GENERAL IS AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE RELEVANT FACTS AND TO ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES.

3. THE REMEDIES PROVIDED BY THIS ARTICLE SHALL BE IN ADDITION TO ANY OTHER LAWFUL REMEDY AVAILABLE TO A SUBSCRIBER.

4. NO ACTION MAY BE BROUGHT UNDER THE PROVISIONS OF THIS SECTION UNLESS SUCH ACTION IS COMMENCED WITHIN TWO YEARS IMMEDIATELY FROM THE DATE OF THE ACT COMPLAINED OF OR OF THE DATE OF DISCOVERY OF SUCH ACT.

S 104-L. SEPARABILITY CLAUSE. IF ANY CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART OF THIS ARTICLE SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID OR UNCONSTITUTIONAL, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART THEREOF DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE BEEN RENDERED.

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