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

4636--B

2011-2012 Regular Sessions

I N A S S E M B L Y

February 4, 2011

Introduced by M. of A. P. RIVERA, COLTON, ORTIZ, N. RIVERA -- Multi-Sponsored by -- M. of A. CANESTRARI, CLARK, FARRELL, GOTTFRIED, LIFTON, MAGEE, ROBINSON, TITUS, WEISENBERG -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the general business law, in relation to requiring persons or entities operating a telecommunications services system, access to which causes the caller to be charged a fee on his or her telephone service bill, to provide notice of the imposition of such fee

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

Section 1. Subdivisions 5 and 6 of section 336-b of the general business law, as added by chapter 495 of the laws of 1991, are renumbered subdivisions 6 and 7, and a new subdivision 5 is added to read as follows:

5. WHEN APPLICABLE, PROVIDERS OF INTERACTIVE INFORMATION NETWORK SERVICES SHALL CAUSE THE FOLLOWING MESSAGE OR WORDS TO THE EFFECT OF THE FOLLOWING TO BE PROVIDED TO THE CALLER, IN THE LANGUAGE IN WHICH INFORMATION DURING SUCH CALL WILL BE PROVIDED:

"THE CALL YOU ARE PLACING WILL COST (RATE AT WHICH FEES OR CHARGES ARE INCURRED). IN ORDER FOR YOU TO RECEIVE THE INFORMATION YOU ARE CALLING FOR, THAT FEE WILL BE CHARGED TO YOUR TELEPHONE BILL. IF YOU DO NOT WANT TO PAY THIS AMOUNT, PLEASE HANG UP."

THE CALCULATION OF ANY APPLICABLE FEES BY THE PROVIDER OF AN INTERACTIVE INFORMATION NETWORK SERVICE SHALL NOT COMMENCE UNTIL TEN SECONDS

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

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AFTER THE PROVISION OF THE NOTICE OF FEES TO BE CHARGED TO THE CONSUMER REQUIRED BY THIS SUBDIVISION. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO ANY SERVICE PROVIDED BY: (A) A TELEPHONE CORPORATION AS THAT TERM IS DEFINED IN SECTION TWO OF THE PUBLIC SERVICE LAW, (B) A PROVIDER OF MOBILE SERVICE AS DEFINED IN 47 U.S.C. S 153, OR (C) A CABLE TELEVISION COMPANY AS DEFINED IN SECTION TWO HUNDRED TWELVE OF THE PUBLIC SERVICE LAW, OR THE AFFILIATES OF ANY OF THE FOREGOING.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.