

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

S. 4238--A

A. 6674--A
Cal. No. 218

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

March 24, 2011

IN SENATE -- Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. JEFFRIES, JAFFEE, GABRYSZAK, M. MILLER, CLARK, ROSENTHAL, N. RIVERA -- Multi-Sponsored by -- M. of A. COOK, HOOPER, WEINSTEIN -- read once and referred to the Committee on Consumer Affairs and Protection -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law, in relation to allowing a private right of action for improper debt collection

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

1 Section 1. Section 602 of the general business law is amended by
2 adding a new subdivision 4 to read as follows:
3 4. A DEBTOR SHALL HAVE A PRIVATE RIGHT OF ACTION AGAINST ANY PERSON OR
4 PERSONS IN VIOLATION OF THIS ARTICLE. SUCH PERSON OR PERSONS SHALL BE
5 LIABLE TO THE DEBTOR FOR ANY ACTUAL DAMAGES THE DEBTOR SUSTAINED AS A
6 RESULT OF THE VIOLATION OF THIS ARTICLE, ANY PUNITIVE DAMAGES AWARDED BY
7 THE COURT, AND REASONABLE ATTORNEY'S FEES.
8 S 2. This act shall take effect on the thirtieth day after it shall
9 have become a law.

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

LBD04131-04-1