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

4054

2011-2012 Regular Sessions

I N A S S E M B L Y

February 1, 2011

Introduced by M. of A. LANCMAN -- read once and referred to the Committee on Codes

AN ACT to amend the general business law, in relation to enacting the "debt collection abusive practices remedy act"

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

Section 1. Short title. This act shall be known and may be cited as the "debt collection abusive practices remedy act".

S 2. Section 602 of the general business law, as added by chapter 753 of the laws of 1973, is amended to read as follows:

S 602. Violations and penalties. 1. Except as otherwise provided by law, any person who shall violate the terms of this article shall be guilty of a misdemeanor, and each such violation shall be deemed a separate offense.

2. The attorney general or the district attorney of any county may bring an action in the name of the people of the state to restrain or prevent any violation of this article or any continuance of any such violation.

3. A DEBTOR SHALL HAVE A PRIVATE RIGHT OF ACTION AGAINST ANY PERSON OR PERSONS, OTHER THAN BANKING INSTITUTIONS AS DEFINED IN SECTION NINE-F OF THE BANKING LAW, AND THEIR AFFILIATES, IN VIOLATION OF THIS ARTICLE. SUCH PERSON OR PERSONS SHALL BE LIABLE TO THE DEBTOR FOR ANY ACTUAL DAMAGES THE DEBTOR SUSTAINED AS A RESULT OF THE VIOLATION OF THIS ARTICLE, ANY PUNITIVE DAMAGES AWARDED BY THE COURT, AND REASONABLE ATTORNEY'S FEES.

S 3. This act shall take effect on the sixtieth day after 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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