

5438

2011-2012 Regular Sessions

I N A S S E M B L Y

February 18, 2011

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring debt collectors to inform debtors that written communications are available in large print format

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

1 Section 1. Section 600 of the general business law is amended by
2 adding three new subdivisions 4, 5 and 6 to read as follows:
3 4. "COMMUNICATION" SHALL MEAN THE CONVEYING OF INFORMATION REGARDING A
4 DEBT DIRECTLY OR INDIRECTLY TO ANY PERSON THROUGH ANY MEDIUM.
5 5. "DEBT" MEANS ANY OBLIGATION OR ALLEGED OBLIGATION OF A CONSUMER TO
6 PAY MONEY ARISING OUT OF A TRANSACTION IN WHICH THE MONEY, PROPERTY,
7 INSURANCE, OR SERVICES WHICH ARE THE SUBJECT OF THE TRANSACTION ARE
8 PRIMARILY FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES, WHETHER OR NOT
9 SUCH OBLIGATION HAS BEEN REDUCED TO JUDGMENT.
10 6. "DEBT COLLECTOR" MEANS AN INDIVIDUAL WHO, AS PART OF HIS OR HER
11 JOB, REGULARLY COLLECTS OR ATTEMPTS TO COLLECT DEBTS: (A) OWED OR DUE OR
12 ASSERTED TO BE OWED OR DUE TO ANOTHER; OR (B) OBTAINED BY, OR ASSIGNED
13 TO, SUCH PERSON, FIRM OR CORPORATION, THAT ARE IN DEFAULT WHEN OBTAINED
14 OR ACQUIRED BY SUCH PERSON, FIRM OR CORPORATION.
15 S 2. The general business law is amended by adding a new section 601-a
16 to read as follows:
17 S 601-A. LARGE PRINT NOTICES. 1. EACH AND EVERY PRINCIPAL CREDITOR OR
18 DEBT COLLECTOR SHALL, IN EACH INITIAL COMMUNICATION, CLEARLY AND
19 CONSPICUOUSLY DISCLOSE TO THE DEBTOR THAT WRITTEN COMMUNICATIONS FROM
20 THE PRINCIPAL CREDITOR OR DEBT COLLECTOR MAY BE RECEIVED IN A LARGE
21 PRINT FORMAT. UPON WRITTEN REQUEST BY A DEBTOR, THE PRINCIPAL CREDITOR
22 OR DEBT COLLECTOR MUST PROVIDE ANY WRITTEN COMMUNICATION SENT TO THE
23 DEBTOR IN THE LARGE PRINT FORMAT.

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

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1 2. FOR THE PURPOSES OF THIS SECTION, LARGE PRINT FORMAT SHALL MEAN A
2 PRINTED FONT SIZE OF SIXTEEN OR LARGER.

3 S 3. Subdivision 1 of section 602 of the general business law, as
4 added by chapter 753 of the laws of 1973, is amended to read as follows:

5 1. Except as otherwise provided by law, any person who [shall violate]
6 VIOLATES the terms OF SECTION SIX HUNDRED ONE of this article [shall be]
7 IS guilty of a misdemeanor, and each such violation shall be deemed a
8 separate offense. A VIOLATION BY ANY PERSON OF SECTION SIX HUNDRED
9 ONE-A OF THIS ARTICLE, IF SUCH VIOLATION CONSTITUTES THE FIRST SUCH
10 OFFENSE BY SUCH PERSON, IS PUNISHABLE BY A CIVIL PENALTY NOT TO EXCEED
11 TWO HUNDRED FIFTY DOLLARS. THE SECOND OFFENSE AND ANY OFFENSE COMMITTED
12 THEREAFTER IS PUNISHABLE BY A CIVIL PENALTY NOT TO EXCEED FIVE HUNDRED
13 DOLLARS.

14 S 4. This act shall take effect on the thirtieth day after it shall
15 have become a law.