

5716--C

2013-2014 Regular Sessions

I N A S S E M B L Y

March 6, 2013

Introduced by M. of A. DINOWITZ, WEISENBERG, STEVENSON, PAULIN, GUNTHER, MONTESANO, GALEF, TITONE, ZEBROWSKI, STECK, SKOUFIS, COLTON -- Multi-Sponsored by -- M. of A. ARROYO, BRAUNSTEIN, CORWIN, DUPREY, FAHY, GLICK, GRAF, HIKIND -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requirements for the renewal of magazine subscriptions

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

1 Section 1. Subdivision 5 of section 335-a of the general business law
2 is renumbered subdivision 6 and a new subdivision 5 is added to read as
3 follows:
4 5. (A) IT SHALL BE UNLAWFUL FOR ANY PUBLISHER OF A MAGAZINE SOLD BY
5 SUBSCRIPTION OR ANY PERSON, FIRM, ASSOCIATION OR CORPORATION ENGAGED IN
6 BUSINESS, THE PRINCIPAL PURPOSE OF WHICH IS TO REGULARLY SOLICIT MAGA-
7 ZINE SUBSCRIPTION ORDERS FOR DELIVERY IN THIS STATE THROUGH THE MAIL FOR
8 PROFIT, TO CHARGE A CONSUMER'S CREDIT OR DEBIT CARD OR THE CONSUMER'S
9 ACCOUNT WITH A THIRD PARTY FOR AN AUTOMATIC RENEWAL OR CONTINUOUS
10 SERVICE BEFORE BOTH OF THE FOLLOWING:
11 (I) THE CONSUMER'S AFFIRMATIVE CONSENT TO THE AGREEMENT THAT IT WILL
12 BE AUTOMATICALLY RENEWED OR CONTINUED; AND
13 (II) CLEAR AND CONSPICUOUS DISCLOSURE OF THE AUTOMATIC RENEWAL OR
14 CONTINUOUS SERVICE TERMS, CANCELTION POLICY, AND HOW TO CANCEL IN A
15 MANNER THAT IS CAPABLE OF BEING RETAINED BY THE CONSUMER.
16 (B) A PUBLISHER OR BUSINESS ENTITY MAKING AUTOMATIC RENEWAL OR CONTIN-
17 UOUS SERVICE OFFERS SHALL PROVIDE A TOLL-FREE TELEPHONE NUMBER, ELEC-

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

LBD05346-09-3

1 TRONIC MAIL ADDRESS, A POSTAL ADDRESS ONLY WHEN THE SELLER DIRECTLY
2 BILLS THE CONSUMER, OR ANOTHER COST-EFFECTIVE, TIMELY, AND EASY-TO-USE
3 MECHANISM FOR CANCELLATION.
4 (C) IN THE CASE OF A MATERIAL CHANGE IN THE TERMS OF THE AUTOMATIC
5 RENEWAL OR CONTINUOUS SERVICE OFFER THAT HAS BEEN ACCEPTED BY A CONSUMER
6 IN THIS STATE, THE PUBLISHER OR BUSINESS ENTITY SHALL PROVIDE THE
7 CONSUMER WITH A CLEAR AND CONSPICUOUS NOTICE OF THE MATERIAL CHANGE AND
8 PROVIDE INFORMATION REGARDING HOW TO CANCEL.
9 S 2. This act shall take effect on the ninetieth day after it shall
10 have become a law.