

6654

2013-2014 Regular Sessions

I N   A S S E M B L Y

April 12, 2013

---

Introduced by M. of A. SIMOTAS, JAFFEE, MILLER, CLARK, ROSENTHAL --  
Multi-Sponsored by -- M. of A. COOK, HOOPER, WEINSTEIN -- read once  
and referred to the Committee on Judiciary

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 ASSEM-  
BLY, 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.

LBD01835-01-3