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

9171

I N A S S E M B L Y

March 25, 2014

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

AN ACT to amend the general business law, in relation to notification of service downgrades to cellular phone customers

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

Section 1. The general business law is amended by adding a new section 391-t to read as follows:

S 391-T. CUSTOMER NOTIFICATION OF MATERIAL CHANGES IN WIRELESS COMMUNICATIONS SERVICE. 1. AS USED IN THIS SECTION:

(A) "WIRELESS COMMUNICATIONS CUSTOMER" MEANS A MOBILE TELECOMMUNICATIONS CUSTOMER AS DEFINED IN SUBPARAGRAPH (I) OF PARAGRAPH TWENTY-SEVEN OF SUBDIVISION (B) OF SECTION ELEVEN HUNDRED ONE OF THE TAX LAW, WHO CONTRACTS FOR OR IS THE END USER OF WIRELESS COMMUNICATIONS SERVICE.

(B) "WIRELESS COMMUNICATIONS SERVICE SUPPLIER" MEANS A HOME SERVICE PROVIDER AS DEFINED IN SUBPARAGRAPH (II) OF PARAGRAPH TWENTY-SEVEN OF SUBDIVISION (B) OF SECTION ELEVEN HUNDRED ONE OF THE TAX LAW, PROVIDED THAT THE HOME SERVICE PROVIDER PROVIDES WIRELESS COMMUNICATIONS SERVICE AND HAS ONE OR MORE WIRELESS COMMUNICATIONS CUSTOMERS IN THE STATE.

(C) "ANTICIPATED SERVICE DISRUPTION" SHALL MEAN THE PLANNED REMOVAL, ALTERATION, PERMANENT ATTENUATION, DEGRADATION, OR ELIMINATION OF ANY EQUIPMENT FOR THE FUNCTIONALITY OF THE WIRELESS COMMUNICATIONS SERVICE THAT MATERIALLY CHANGES THE QUALITY OR LEVEL OF THE WIRELESS COMMUNICATION SERVICE, PROVIDED HOWEVER, THAT SUCH TERM SHALL NOT INCLUDE ANY MATERIAL CHANGES THAT ARE THE RESULT OF A MANDATE FROM OR A CHANGE IN THE REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION.

2. (A) EVERY WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL NOTIFY EACH WIRELESS COMMUNICATIONS CUSTOMER WHO MAY BE AFFECTED BY AN ANTICIPATED SERVICE DISRUPTION OF SUCH ANTICIPATED SERVICE DISRUPTION AT LEAST ONE WEEK PRIOR TO THE BEGINNING OF SUCH ANTICIPATED SERVICE DISRUPTION, AT NO CHARGE TO SUCH CUSTOMER.

(B) SUCH NOTICE SHALL BE GIVEN TO EACH AFFECTED WIRELESS COMMUNICATIONS CUSTOMER WHO MAY BE AFFECTED IN ANY ONE OF THE FOLLOWING FORMS:

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

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(1) (I) BY THE MAILING OF A SEPARATE WRITTEN NOTICE TO THE WIRELESS COMMUNICATIONS CUSTOMER'S BILLING ADDRESS OF RECORD;

(II) BY A WRITTEN NOTATION PRINTED ON THE WIRELESS COMMUNICATIONS CUSTOMER'S REGULAR BILLING STATEMENT; OR

(III) BY A WRITTEN NOTICE ACCOMPANYING THE WIRELESS COMMUNICATIONS CUSTOMER'S REGULAR BILLING STATEMENT.

(2) ANY OF THE NOTIFICATIONS DESCRIBED IN SUBPARAGRAPH ONE OF THIS PARAGRAPH MAY BE PROVIDED TO THE WIRELESS COMMUNICATIONS CUSTOMER VIA AN ELECTRONIC MEANS, INCLUDING BUT NOT LIMITED TO AN ELECTRONIC MESSAGE OR TEXT MESSAGE, IF SUCH WIRELESS COMMUNICATIONS CUSTOMER HAS OPTED TO ACCEPT ELECTRONIC NOTIFICATIONS OR STATEMENTS FROM SUCH WIRELESS COMMUNICATIONS SERVICE SUPPLIER.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.