

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when
printed to be committed to the Committee on Consumer Protection

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, OTHER THAN BANKING INSTITUTIONS AS DEFINED IN SECTION NINE-F OF
5 THE BANKING LAW, AND THEIR AFFILIATES, IN VIOLATION OF THIS ARTICLE.
6 SUCH PERSON OR PERSONS SHALL BE LIABLE TO THE DEBTOR FOR ANY ACTUAL
7 DAMAGES THE DEBTOR SUSTAINED AS A RESULT OF THE VIOLATION OF THIS ARTI-
8 CLE, ANY PUNITIVE DAMAGES AWARDED BY THE COURT, AND REASONABLE ATTOR-
9 NEY'S FEES.
10 S 2. This act shall take effect on the sixtieth day after it shall
11 have become a law.

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

LBD00763-01-3