

3751--A

2013-2014 Regular Sessions

I N   S E N A T E

February 13, 2013

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Introduced by Sens. DeFRANCISCO, BOYLE, CARLUCCI, LARKIN, MARTINS --  
read twice and ordered printed, and when printed to be committed to  
the Committee on Consumer Protection -- committee discharged, bill  
amended, ordered reprinted as amended and recommitted to said commit-  
tee

AN ACT to amend the general business law, in relation to enacting the  
"voter privacy act" to include political calls in the no telemarketing  
sales calls statewide registry

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

1     Section 1. This act shall be known and may be cited as the "voter  
2     privacy act".  
3     S 2. Paragraphs (c) and (d) of subdivision 1 of section 399-p of the  
4     general business law, as amended by chapter 581 of the laws of 1992, are  
5     amended to read as follows:  
6     (c) "consumer" means a natural person who is solicited to purchase,  
7     lease or receive a good or service for personal, family or household  
8     use, OR WHO IS SOLICITED TO SUPPORT OR OPPOSE A CANDIDATE FOR PUBLIC  
9     OFFICE, OR A POLITICAL POSITION, ISSUE OR CAUSE;  
10    (d) "consumer telephone call" means a call made to a telephone number  
11    by a telephone solicitor, whether by device, live operator, or any  
12    combination thereof, for the purpose of soliciting a sale of any consum-  
13    er goods or services for personal, family or household purposes to the  
14    consumer called, or for the purpose of soliciting an extension of credit  
15    for consumer goods or services to the consumer called, or for the  
16    purpose of obtaining information that will or may be used for the direct  
17    solicitation of a sale of consumer goods or services to the consumer  
18    called or an extension of credit for such purposes, OR, FOR CALLS MADE  
19    BY A DEVICE ONLY WITH NO LIVE OPERATOR PRESENT AT ANY TIME DURING THE  
20    DURATION OF THE CALL, FOR THE PURPOSE OF PROMOTING OR OPPOSING A CANDI-  
21    DATE FOR PUBLIC OFFICE, OR A POLITICAL POSITION, ISSUE OR CAUSE;

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

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1 provided, however, that "consumer telephone call" shall not include a  
2 call made by a telephone corporation, as defined by subdivision seven-  
3 teen of section two of the public service law, in response to a specific  
4 inquiry initiated by a consumer regarding that consumer's existing or  
5 requested telephone service; and

6 S 3. Paragraphs c and j of subdivision 1 of section 399-z of the  
7 general business law, as amended by chapter 369 of the laws of 2012, are  
8 amended to read as follows:

9 c. "Customer" means any natural person who is a resident of this state  
10 and who is or may be required to pay for or to exchange consideration  
11 for goods and services offered through telemarketing, OR WHO IS SOLICIT-  
12 ED TO SUPPORT OR OPPOSE A CANDIDATE FOR PUBLIC OFFICE, OR A POLITICAL  
13 POSITION, ISSUE OR CAUSE;

14 j. "Telemarketing sales call" means a telephone call made by a tele-  
15 marketer or by any outbound telephone calling technology that delivers a  
16 prerecorded message to a customer or to a customer's voicemail or  
17 answering machine service for the purpose of inducing payment or the  
18 exchange of any other consideration for any goods or services, OR, FOR  
19 CALLS MADE BY ANY OUTBOUND TELEPHONE CALLING TECHNOLOGY ONLY WITH NO  
20 LIVE OPERATOR PRESENT AT ANY TIME DURING THE DURATION OF THE CALL, FOR  
21 THE PURPOSE OF PROMOTING OR OPPOSING A CANDIDATE FOR PUBLIC OFFICE, OR A  
22 POLITICAL POSITION, ISSUE OR CAUSE;

23 S 4. This act shall take effect immediately.