

6848

2013-2014 Regular Sessions

I N A S S E M B L Y

April 19, 2013

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

AN ACT to amend the general business law, in relation to web page disclosure when engaging in sales

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

1 Section 1. The general business law is amended by adding a new section
2 390-d to read as follows:

3 S 390-D. WEB PAGE DISCLOSURE. 1. FOR PURPOSES OF THIS SECTION:

4 (A) THE TERM "INTERNET" MEANS COLLECTIVELY THE MYRIAD OF COMPUTER AND
5 TELECOMMUNICATIONS FACILITIES, INCLUDING EQUIPMENT AND OPERATING SOFTWARE,
6 WHICH COMPRISE THE INTERCONNECTED WORLD-WIDE NETWORK OF NETWORKS
7 THAT EMPLOY THE TRANSMISSION CONTROL PROTOCOL/INTERNET PROTOCOL, OR ANY
8 PREDECESSOR OR SUCCESSOR PROTOCOLS TO SUCH PROTOCOL, TO COMMUNICATE
9 INFORMATION OF ALL KINDS BY WIRE OR RADIO.

10 (B) THE TERM "WEB PAGE" MEANS A LOCATION, WITH RESPECT TO THE WORLD
11 WIDE WEB, THAT HAS A SINGLE UNIFORM RESOURCE LOCATOR OR OTHER SINGLE
12 LOCATION WITH RESPECT TO THE INTERNET.

13 2. ANY COMMERCIAL ENTITY WHO DOES BUSINESS IN THE STATE AND THAT, FOR
14 PROFIT, OFFERS GOODS OR SERVICES FOR SALE BY MEANS OF A WEB PAGE OR
15 OTHER USE OF THE INTERNET SHALL BE REQUIRED TO CONSPICUOUSLY DISPLAY ALL
16 DISCLAIMERS IN A CLEAR MANNER USING AT LEAST SIZE 8 FONT.

17 3. ANY COMMERCIAL ENTITY THAT VIOLATES THIS SECTION SHALL BE SUBJECT
18 TO A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED DOLLARS FOR THE FIRST
19 VIOLATION, NOT MORE THAN TWO HUNDRED FIFTY DOLLARS FOR THE SECOND
20 VIOLATION, AND NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION
21 THEREAFTER. THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION MAY BE
22 ENFORCED BY THE ATTORNEY GENERAL. ANY PERSON WHO IS ADVERSELY AFFECTED
23 BY REASON OF A VIOLATION OF SUBDIVISION TWO OF THIS SECTION MAY ENFORCE
24 THE PROVISIONS OF THIS SECTION TO RECOVER ACTUAL DAMAGES.

25 S 2. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law.

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

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