

3730

2013-2014 Regular Sessions

I N S E N A T E

February 13, 2013

Introduced by Sen. SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to requiring disclosure terms relating to prepaid calling cards to be provided in languages other than English and increasing fines for violations of disclosure requirements

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

1 Section 1. Section 92-f of the public service law is amended by adding
2 a new subdivision 3-a to read as follows:
3 3-A. A. IF A LANGUAGE OR LANGUAGES OTHER THAN ENGLISH IS USED ON A
4 PREPAID TELEPHONE CALLING CARD, ITS PACKAGING, OR IN POINT OF SALE
5 ADVERTISING, OR PROMOTIONAL MATERIAL RELATING TO A PREPAID CALLING CARD
6 OR PREPAID TELEPHONE CALLING SERVICE, ALL DISCLOSURE REQUIRED PURSUANT
7 TO THE PROVISIONS OF THIS SECTION SHALL BE PROVIDED IN THE SAME LANGUAGE
8 OR LANGUAGES, IN ADDITION TO ENGLISH. ALL NON-ENGLISH DISCLOSURE
9 PROVISIONS SHALL BE CLEARLY PRINTED IN A CLEAR AND CONSPICUOUS LOCATION
10 ON THE CALLING CARD ITSELF, OR IF THE CALLING CARD IS PACKAGED IN OPAQUE
11 PACKING, ON THE PACKAGING.
12 B. AS USED IN THIS SUBDIVISION, "PROMOTIONAL MATERIAL" INCLUDES ALL
13 MATERIALS PREPARED BY THE COMPANY THAT PROVIDES PREPAID CALLING SERVICES
14 THROUGH PREPAID CALLING CARDS AND ANY SIGNS FOR DISPLAY BY RETAIL
15 MERCHANTS OR ANY OTHER PROMOTIONAL MATERIAL THAT IS PREPARED AT THE
16 DIRECTION OF THE PREPAID CALLING SERVICE.
17 C. IF THE CALLING CARD IS PURCHASED ON THE INTERNET, THE DISCLOSURE
18 REQUIREMENTS SHALL BE DISPLAYED IN A CLEAR AND CONSPICUOUS LOCATION ON
19 THE WEBSITE THROUGH WHICH THE CALLING CARD IS PURCHASED, INCLUDING
20 INSTRUCTIONS AND DIRECTIONS TO ANY LINK WITH SUCH DISCLOSURES, PRIOR TO
21 PURCHASING THE SERVICES.

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

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1 S 2. Subdivision 3 of section 92-f of the public service law, as added
2 by chapter 651 of the laws of 1999, is amended to read as follows:

3 3. Any company that provides prepaid calling services through prepaid
4 calling cards shall print legibly on each card or packaging the follow-
5 ing information:

6 a. any surcharges or fees, including monthly fees, per-call access
7 fees, or surcharges for the first minute of use that may be applicable
8 to the use of the prepaid calling card or prepaid calling services with-
9 in the United States;

10 b. any additional or different prices, rates, or unit values applica-
11 ble to international usage of the prepaid calling card or prepaid call-
12 ing services;

13 c. any minimum charge per call, such as a three minute minimum charge;

14 d. any charge for calls that do not connect; [and,]

15 e. any recharge policy[.];

16 F. IF APPLICABLE, THE EXPIRATION DATE OR OTHER LIMITATION ON THE PERI-
17 OD OF TIME FOR WHICH THE DISPLAYED, PROMOTED, OR ADVERTISED MINUTES WILL
18 BE AVAILABLE TO THE CUSTOMER; AND

19 G. ANY CONNECTION OR DISCONNECTION FEE OR ANY SURCHARGE ASSOCIATED
20 WITH THE CALLING CARD THAT IS NOT PART OF THE STANDARD RATE ASSOCIATED
21 WITH EACH MINUTE USED BY THE CARD.

22 S 3. Subdivision 8 of section 92-f of the public service law, as added
23 by chapter 651 of the laws of 1999, is amended to read as follows:

24 8. Enforcement. The commission shall have the power, consistent with
25 federal law, to assess a penalty not to exceed [one] FIVE thousand
26 dollars against any company that provides prepaid calling cards or
27 services that knowingly fails or neglects to comply with any provision
28 of this section or any regulation or order of the commission implement-
29 ing or enforcing the provisions of this section FOR A FIRST VIOLATION
30 AND TEN THOUSAND DOLLARS FOR A SECOND OR SUBSEQUENT VIOLATION. All
31 moneys recovered from any administrative penalty shall be paid into the
32 state treasury to the credit of the general fund.

33 S 4. This act shall take effect on the one hundred twentieth day after
34 it shall have become a law.