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

3751--A

2013-2014 Regular Sessions

I N S E N A T E

February 13, 2013

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 committee

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act shall be known and may be cited as the "voter privacy act".

S 2. Paragraphs (c) and (d) of subdivision 1 of section 399-p of the general business law, as amended by chapter 581 of the laws of 1992, are amended to read as follows:

(c) "consumer" means a natural person who is solicited to purchase, lease or receive a good or service for personal, family or household use, OR WHO IS SOLICITED TO SUPPORT OR OPPOSE A CANDIDATE FOR PUBLIC OFFICE, OR A POLITICAL POSITION, ISSUE OR CAUSE;

(d) "consumer telephone call" means a call made to a telephone number by a telephone solicitor, whether by device, live operator, or any combination thereof, for the purpose of soliciting a sale of any consumer goods or services for personal, family or household purposes to the consumer called, or for the purpose of soliciting an extension of credit for consumer goods or services to the consumer called, or for the purpose of obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services to the consumer called or an extension of credit for such purposes, OR, FOR CALLS MADE BY A DEVICE ONLY WITH NO LIVE OPERATOR PRESENT AT ANY TIME DURING THE DURATION OF THE CALL, FOR THE PURPOSE OF PROMOTING OR OPPOSING A CANDIDATE 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.

LBD07813-04-3

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

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

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

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

S 4. This act shall take effect immediately.