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

5386

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. PARKER -- 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 requiring debt collectors to inform debtors that written communications are available in large print format

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

Section 1. Section 600 of the general business law is amended by adding three new subdivisions 4, 5 and 6 to read as follows:

4. "COMMUNICATION" SHALL MEAN THE CONVEYING OF INFORMATION REGARDING A DEBT DIRECTLY OR INDIRECTLY TO ANY PERSON THROUGH ANY MEDIUM.

5. "DEBT" MEANS ANY OBLIGATION OR ALLEGED OBLIGATION OF A CONSUMER TO PAY MONEY ARISING OUT OF A TRANSACTION IN WHICH THE MONEY, PROPERTY, INSURANCE, OR SERVICES WHICH ARE THE SUBJECT OF THE TRANSACTION ARE PRIMARILY FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES, WHETHER OR NOT SUCH OBLIGATION HAS BEEN REDUCED TO JUDGMENT.

6. "DEBT COLLECTOR" MEANS AN INDIVIDUAL WHO, AS PART OF HIS OR HER JOB, REGULARLY COLLECTS OR ATTEMPTS TO COLLECT DEBTS: (A) OWED OR DUE OR ASSERTED TO BE OWED OR DUE TO ANOTHER; OR (B) OBTAINED BY, OR ASSIGNED TO, SUCH PERSON, FIRM OR CORPORATION, THAT ARE IN DEFAULT WHEN OBTAINED OR ACQUIRED BY SUCH PERSON, FIRM OR CORPORATION.

S 2. The general business law is amended by adding a new section 601-a to read as follows:

S 601-A. LARGE PRINT NOTICES. 1. EACH AND EVERY PRINCIPAL CREDITOR OR DEBT COLLECTOR SHALL, IN EACH INITIAL COMMUNICATION, CLEARLY AND CONSPICUOUSLY DISCLOSE TO THE DEBTOR THAT WRITTEN COMMUNICATIONS FROM THE PRINCIPAL CREDITOR OR DEBT COLLECTOR MAY BE RECEIVED IN A LARGE PRINT FORMAT. UPON WRITTEN REQUEST BY A DEBTOR, THE PRINCIPAL CREDITOR OR DEBT COLLECTOR MUST PROVIDE ANY WRITTEN COMMUNICATION SENT TO THE DEBTOR IN THE LARGE PRINT FORMAT.

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

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2. FOR THE PURPOSES OF THIS SECTION, LARGE PRINT FORMAT SHALL MEAN A PRINTED FONT SIZE OF SIXTEEN OR LARGER.

S 3. Subdivision 1 of section 602 of the general business law, as added by chapter 753 of the laws of 1973, is amended to read as follows:

1. Except as otherwise provided by law, any person who [shall violate] VIOLATES the terms OF SECTION SIX HUNDRED ONE of this article [shall be] IS guilty of a misdemeanor, and each such violation shall be deemed a separate offense. A VIOLATION BY ANY PERSON OF SECTION SIX HUNDRED ONE-A OF THIS ARTICLE, IF SUCH VIOLATION CONSTITUTES THE FIRST SUCH OFFENSE BY SUCH PERSON, IS PUNISHABLE BY A CIVIL PENALTY NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS. THE SECOND OFFENSE AND ANY OFFENSE COMMITTED THEREAFTER IS PUNISHABLE BY A CIVIL PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS.

S 4. This act shall take effect on the thirtieth day after it shall have become a law.