

9457--A

Cal. No. 703

I N A S S E M B L Y

March 4, 2016

Introduced by M. of A. MAYER, DINOWITZ, TITONE, COLTON, PEOPLES-STOKES, LIFTON, GALEF, SEAWRIGHT, McDONOUGH, MONTESANO, GIGLIO, JAFFEE, SALADINO, STECK, PALMESANO -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, BUCHWALD, CERETTO, DUPREY, LOPEZ, LUPARDO, McLAUGHLIN, RA, SIMON -- read once and referred to the Committee on Consumer Affairs and Protection -- reported and referred to the Committee on Codes -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law, in relation to the transmission of caller identification to consumers

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

1 Section 1. Paragraph k of subdivision 1 of section 399-z of the gener-
2 al business law, as amended by chapter 369 of the laws of 2012, is
3 amended and two new paragraphs l and m are added to read as follows:
4 k. "Unsolicited telemarketing sales call" means any telemarketing
5 sales call other than a call made:
6 (i) in response to an express written or verbal request by the custom-
7 er; or
8 (ii) in connection with an established business relationship, which
9 has not been terminated by either party, unless such customer has stated
10 to the telemarketer that such customer no longer wishes to receive the
11 telemarketing sales calls of such telemarketer[.];
12 L. "CALLER IDENTIFICATION INFORMATION" MEANS INFORMATION PROVIDED BY A
13 CALLER IDENTIFICATION SERVICE REGARDING THE TELEPHONE NUMBER AND NAME OF
14 THE PERSON CALLING; AND
15 M. "CALLER IDENTIFICATION SERVICE" MEANS A SERVICE THAT ALLOWS A TELE-
16 PHONE SUBSCRIBER TO HAVE THE TELEPHONE NUMBER, AND, WHERE AVAILABLE,
17 NAME OF THE CALLING PARTY TRANSMITTED CONTEMPORANEOUSLY WITH THE TELE-
18 PHONE CALL, AND DISPLAYED ON A DEVICE IN OR CONNECTED TO THE SUBSCRIB-
19 ER'S TELEPHONE.
20 S 2. Section 399-z of the general business law is amended by adding a
21 new subdivision 2-a to read as follows:

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

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1 2-A. IT SHALL BE UNLAWFUL FOR ANY TELEMARKETER OR SELLER TO CAUSE ANY
2 CALLER IDENTIFICATION SERVICE TO KNOWINGLY TRANSMIT MISLEADING, INACCU-
3 RATE, OR FALSE CALLER IDENTIFICATION INFORMATION, PROVIDED THAT IT SHALL
4 NOT BE A VIOLATION TO SUBSTITUTE (FOR THE NAME AND PHONE NUMBER USED IN,
5 OR BILLED FOR, MAKING THE CALL) THE NAME OR TELEPHONE NUMBER OF THE
6 PERSON OR SELLER ON BEHALF OF WHICH A TELEMARKETING CALL IS PLACED.

7 S 3. Subdivision 2 of section 399-pp of the general business law is
8 amended by adding two new paragraphs n and o to read as follows:

9 N. "CALLER IDENTIFICATION INFORMATION" MEANS INFORMATION PROVIDED BY A
10 CALLER IDENTIFICATION SERVICE REGARDING THE TELEPHONE NUMBER AND NAME OF
11 THE PERSON CALLING.

12 O. "CALLER IDENTIFICATION SERVICE" MEANS A SERVICE THAT ALLOWS A TELE-
13 PHONE SUBSCRIBER TO HAVE THE TELEPHONE NUMBER, AND, WHERE AVAILABLE,
14 NAME OF THE CALLING PARTY TRANSMITTED CONTEMPORANEOUSLY WITH THE TELE-
15 PHONE CALL, AND DISPLAYED ON A DEVICE IN OR CONNECTED TO THE SUBSCRIB-
16 ER'S TELEPHONE.

17 S 4. Section 399-pp of the general business law is amended by adding a
18 new subdivision 7-a to read as follows:

19 7-A. UNLAWFUL TRANSMISSION OF CERTAIN CALLER IDENTIFICATION INFORMA-
20 TION. IT SHALL BE UNLAWFUL FOR ANY TELEMARKETER OR SELLER TO CAUSE ANY
21 CALLER IDENTIFICATION SERVICE TO KNOWINGLY TRANSMIT MISLEADING, INACCU-
22 RATE, OR FALSE CALLER IDENTIFICATION INFORMATION, PROVIDED THAT IT SHALL
23 NOT BE A VIOLATION TO SUBSTITUTE (FOR THE NAME AND PHONE NUMBER USED IN,
24 OR BILLED FOR, MAKING THE CALL) THE NAME OR TELEPHONE NUMBER OF THE
25 PERSON OR SELLER ON BEHALF OF WHICH A TELEMARKETING CALL IS PLACED.

26 S 5. This act shall take effect immediately.