

4015

2015-2016 Regular Sessions

I N   S E N A T E

February 25, 2015

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Introduced by Sen. SAMPSON -- 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 allowing a  
private right of action for improper debt collection

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

1     Section 1. Section 602 of the general business law is amended by  
2     adding a new subdivision 4 to read as follows:  
3     4. A DEBTOR SHALL HAVE A PRIVATE RIGHT OF ACTION AGAINST ANY PERSON OR  
4     PERSONS, OTHER THAN BANKING INSTITUTIONS AS DEFINED IN SECTION NINE-F OF  
5     THE BANKING LAW, AND THEIR AFFILIATES, IN VIOLATION OF THIS ARTICLE.  
6     SUCH PERSON OR PERSONS SHALL BE LIABLE TO THE DEBTOR FOR ANY ACTUAL  
7     DAMAGES THE DEBTOR SUSTAINED AS A RESULT OF THE VIOLATION OF THIS ARTI-  
8     CLE, ANY PUNITIVE DAMAGES AWARDED BY THE COURT, AND REASONABLE ATTOR-  
9     NEY'S FEES.  
10    S 2. This act shall take effect on the sixtieth day after it shall  
11    have become a law.

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

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