

5476--A

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the personal property law, in relation to rental-purchase agreement forms

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

1 Section 1. Subdivision 2, paragraph (e) of subdivision 3, and subdi-
2 vision 4 of section 501 of the personal property law, as added by chap-
3 ter 792 of the laws of 1986, are amended to read as follows:
4 2. Disclosures required by this section must be printed or typed in
5 each rental-purchase agreement in a size equal to at least [ten-point]
6 TWELVE-POINT bold-faced type.
7 (e) requiring the payment of a late charge or reinstatement fee unless
8 a periodic payment is delinquent for more than three days for agreements
9 that are renewed on week by week terms and seven days for agreements
10 that are renewed on month by month terms[,]; PROVIDED, HOWEVER, THAT
11 NEITHER SATURDAYS, SUNDAYS, NOR FEDERALLY-RECOGNIZED HOLIDAYS DURING
12 WHICH THE UNITED STATES POSTAL SERVICE IS NOT OPEN TO THE PUBLIC SHALL
13 COUNT TOWARD THE THREE OR SEVEN DAY TOTALS, and the charge or fee is in
14 an amount not more than the greater of ten percent of the delinquent
15 amount or three dollars for agreements that are renewed on week by week
16 terms and not more than the greater of ten percent of the delinquent
17 amount or five dollars for agreements that are renewed on month by month
18 terms. In the event that multiple items are leased to a consumer pursu-
19 ant to more than one rental-purchase agreement, any late fee imposed
20 pursuant to this section shall not exceed ten percent of the total of
21 the periodic payments that are delinquent.

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

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1 4. Only one late charge or reinstatement fee may be assessed for a
2 delinquent periodic payment regardless of the period during which it
3 remains in default. No merchant shall assess a late charge for a period-
4 ic payment made in full on its due date or within three days for agree-
5 ments that are renewed on week by week terms or seven days for agree-
6 ments that are renewed on month by month terms when the only delinquency
7 is attributable to late fees assessed on earlier periodic payments;
8 PROVIDED, HOWEVER, THAT NEITHER SATURDAYS, SUNDAYS, NOR FEDERALLY-RECOG-
9 NIZED HOLIDAYS DURING WHICH THE UNITED STATES POSTAL SERVICE IS NOT OPEN
10 TO THE PUBLIC SHALL COUNT TOWARD THE THREE OR SEVEN DAY TOTALS. With
11 respect to payments accepted by mail or by store deposit box, no
12 merchant shall assess a late fee for payments which are post-marked or
13 received before the expiration of the applicable delinquency periods.
14 S 2. This act shall take effect on the ninetieth day after it shall
15 have become a law and shall apply to all agreements entered into or
16 offered on or after such date.