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

274--A

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. ROZIC -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law and the general business law, in relation to requiring companies to allow victims of domestic violence to cancel contracts when there is a domestic violence incident report, a police report, an order of protection, or a signed affidavit

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

Section 1. Section 91 of the public service law is amended by adding a new subdivision 8 to read as follows:

8. EVERY TELEPHONE CORPORATION, AS DEFINED IN THIS CHAPTER, SHALL ALLOW A PERSON WHO IS UNDER CONTRACT INCLUDING, BUT NOT LIMITED TO, A MULTI-YEAR CONTRACT OR BUNDLE CONTRACT WITH SUCH TELEPHONE CORPORATION, TO OPT-OUT OF SUCH CONTRACT WITHOUT CHARGE WHEN SUCH PERSON IS A VICTIM OF DOMESTIC VIOLENCE AND REQUESTS TO OPT-OUT IN WRITING. SUCH VICTIM OF DOMESTIC VIOLENCE SHALL PROVIDE TO SUCH TELEPHONE CORPORATION ANY OF THE FOLLOWING DOCUMENTS, WHICH SHALL RELATE TO SUCH DOMESTIC VIOLENCE, WITHIN SIX MONTHS OF THE DOCUMENT'S ISSUANCE: (A) A VALID DOMESTIC VIOLENCE INCIDENT REPORT FORM, AS SUCH TERM IS DEFINED IN SUBDIVISION FIFTEEN OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW; (B) A VALID POLICE REPORT; (C) A VALID ORDER OF PROTECTION; (D) A SIGNED AFFIDAVIT FROM A LICENSED MEDICAL OR MENTAL HEALTH CARE PROVIDER, EMPLOYEE OF A COURT ACTING WITHIN THE SCOPE OF HIS OR HER EMPLOYMENT, SOCIAL WORKER, A RAPE CRISIS COUNSELOR, AS DEFINED IN SECTION FORTY-FIVE HUNDRED TEN OF THE CIVIL PRACTICE LAW AND RULES, OR ADVOCATE ACTING ON BEHALF OF AN AGENCY THAT ASSISTS DOMESTIC VIOLENCE VICTIMS. A CLAIM FOR OPTING-OUT OF SUCH CONTRACT WITHOUT CHARGE SHALL BE MADE IN GOOD FAITH. SUCH TELEPHONE

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

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CORPORATION SHALL WAIVE THE OTHERWISE APPLICABLE CHARGES FOR SUCH PERSON REQUESTING TO OPT-OUT OF SUCH CONTRACT.

S 2. Section 399-yy of the general business law, as amended by chapter 202 of the laws of 2013, is amended to read as follows:

S 399-yy. Cable television company providing telephone services. 1. Every cable television company, as defined in section two hundred twelve of the public service law, that provides telephone service to customers in New York shall, at its option: a. allow a customer to use a modified or alternative name for a directory listing or b. waive the otherwise applicable charges for a non-published telephone listing, where the customer requests protection of its identity in connection with the customer's purchase of telephone service and the customer is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law, and for whose benefit any order of protection, other than a temporary order of protection, has been issued by a court of competent jurisdiction. This waiver of charges shall be for the duration of the applicable, non-temporary, order. Any non-published listings provided in this section shall conform to all the same requirements of other non-published listings. A customer requesting such an accommodation shall provide a copy of the order of protection to the applicable cable television company. Any customer requesting an accommodation pursuant to this section may also request and shall be provided, at no cost to the customer, a new telephone number within fifteen days from the request for such accommodation.

2. EVERY CABLE TELEVISION COMPANY, AS DEFINED IN SECTION TWO HUNDRED TWELVE OF THE PUBLIC SERVICE LAW, THAT PROVIDES TELEVISION AND/OR TELEPHONE SERVICE TO CUSTOMERS IN NEW YORK UNDER CONTRACT INCLUDING, BUT NOT LIMITED TO A MULTI-YEAR CONTRACT OR BUNDLED CONTRACT WITH SUCH CABLE TELEVISION COMPANY, SHALL ALLOW A PERSON TO OPT-OUT OF SUCH CONTRACT WITHOUT CHARGE WHEN SUCH PERSON IS A VICTIM OF DOMESTIC VIOLENCE AND REQUEST TO OPT-OUT IN WRITING. SUCH VICTIM OF DOMESTIC VIOLENCE SHALL PROVIDE TO SUCH CABLE TELEVISION COMPANY ANY OF THE FOLLOWING DOCUMENTS, WHICH SHALL RELATE TO SUCH DOMESTIC VIOLENCE, WITHIN SIX MONTHS OF THE DOCUMENT'S ISSUANCE: (A) A VALID DOMESTIC VIOLENCE INCIDENT REPORT FORM, AS SUCH TERM IS DEFINED IN SUBDIVISION FIFTEEN OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW; (B) A VALID POLICE REPORT; (C) A VALID ORDER OF PROTECTION; (D) A SIGNED AFFIDAVIT FROM A LICENSED MEDICAL OR MENTAL HEALTH CARE PROVIDER, EMPLOYEE OF A COURT ACTING WITHIN THE SCOPE OF HIS OR HER EMPLOYMENT, SOCIAL WORKER, A RAPE CRISIS COUNSELOR, AS DEFINED IN SECTION FORTY-FIVE HUNDRED TEN OF THE CIVIL PRACTICE LAW AND RULES, OR ADVOCATE ACTING ON BEHALF OF AN AGENCY THAT ASSISTS DOMESTIC VIOLENCE VICTIMS. A CLAIM FOR OPTING-OUT OF SUCH CONTRACT WITHOUT CHARGE SHALL BE MADE IN GOOD FAITH. SUCH CABLE TELEVISION COMPANY SHALL WAIVE THE OTHERWISE APPLICABLE CHARGES FOR SUCH PERSON REQUESTING TO OPT-OUT OF SUCH CONTRACT.

S 3. The general business law is amended by adding a new section 399-yyy to read as follows:

S 399-YYY. SATELLITE TELEVISION COMPANY PROVIDING TELEVISION AND/OR TELEPHONE SERVICES. 1. EVERY DIRECT BROADCAST SATELLITE SERVICE PROVIDER, AS DEFINED IN THIS SECTION, THAT PROVIDES TELEVISION AND/OR TELEPHONE SERVICES TO CUSTOMERS IN NEW YORK SHALL ALLOW A PERSON WHO IS UNDER CONTRACT INCLUDING, BUT NOT LIMITED TO A MULTI-YEAR CONTRACT OR BUNDLED CONTRACT WITH SUCH SATELLITE TELEVISION COMPANY, TO OPT-OUT OF SUCH CONTRACT WITHOUT CHARGE WHEN SUCH A PERSON IS A VICTIM OF DOMESTIC VIOLENCE AND REQUESTS TO OPT-OUT IN WRITING. SUCH VICTIM OF DOMESTIC VIOLENCE SHALL PROVIDE TO SUCH SATELLITE TELEVISION COMPANY ANY OF THE

FOLLOWING DOCUMENTS, WHICH SHALL RELATE TO SUCH DOMESTIC VIOLENCE, WITHIN SIX MONTHS OF THE DOCUMENT'S ISSUANCE: (A) A VALID DOMESTIC VIOLENCE INCIDENT REPORT FORM, AS SUCH TERM IS DEFINED IN SUBDIVISION FIFTEEN OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW; (B) A VALID POLICE REPORT; (C) A VALID ORDER OF PROTECTION; (D) A SIGNED AFFIDAVIT FROM A LICENSED MEDICAL OR MENTAL HEALTH CARE PROVIDER, EMPLOYEE OF A COURT ACTING WITHIN THE SCOPE OF HIS OR HER EMPLOYMENT, SOCIAL WORKER, A RAPE CRISIS COUNSELOR, AS DEFINED IN SECTION FORTY-FIVE HUNDRED TEN OF THE CIVIL PRACTICE LAW AND RULES, OR ADVOCATE ACTING ON BEHALF OF AN AGENCY THAT ASSISTS DOMESTIC VIOLENCE VICTIMS. A CLAIM FOR OPTING-OUT OF SUCH CONTRACT WITHOUT CHARGE SHALL BE MADE IN GOOD FAITH. SUCH SATELLITE TELEVISION COMPANY SHALL WAIVE THE OTHERWISE APPLICABLE CHARGES FOR SUCH PERSON REQUESTING TO OPT-OUT OF SUCH CONTRACT.

2. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "DIRECT BROADCAST SATELLITE SERVICE", MEANS THE DISTRIBUTION OR BROADCASTING BY SATELLITE OF VIDEO PROGRAMMING OR SERVICES DIRECTLY TO RECEIVING EQUIPMENT LOCATED AT AN END USER SUBSCRIBER'S OR AN END USER CUSTOMER'S PREMISES, INCLUDING, BUT NOT LIMITED TO, THE PROVISION OF PREMIUM CHANNELS, THE PROVISION OF MUSIC OR OTHER AUDIO SERVICES OR CHANNELS, AND ANY OTHER SERVICE RECEIVED IN CONNECTION WITH THE PROVISION OF DIRECT BROADCAST SATELLITE SERVICE.

(B) "DIRECT BROADCAST SATELLITE SERVICE PROVIDER", MEANS A PERSON WHO TRANSMITS, BROADCASTS OR OTHERWISE PROVIDES DIRECT BROADCAST SATELLITE SERVICE TO SUBSCRIBERS OR CUSTOMERS IN THE STATE.

S 4. This act shall take effect immediately.