

1406--A

2015-2016 Regular Sessions

I N S E N A T E

January 12, 2015

Introduced by Sens. PARKER, HASSELL-THOMPSON, LATIMER, PERALTA, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- recommitted to the Committee on Consumer Protection 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 general business law, in relation to requiring the release of individuals from shared or family wireless telephone plans in instances of domestic violence

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

1 Section 1. The general business law is amended by adding a new section
2 399-cccc to read as follows:
3 S 399-CCCC. WIRELESS TELEPHONE SERVICES; DOMESTIC VIOLENCE VICTIMS.
4 EVERY PROVIDER OF WIRELESS TELEPHONE SERVICE, AS DEFINED IN PARAGRAPH
5 (B) OF SUBDIVISION ONE OF SECTION TWELVE HUNDRED TWENTY-FIVE-C OF THE
6 VEHICLE AND TRAFFIC LAW, SHALL ALLOW A PERSON WHO IS UNDER A SHARED
7 PHONE PLAN CONTRACT WITH SUCH PROVIDER AND WHO IS A VICTIM OF DOMESTIC
8 VIOLENCE INVOLVING ANOTHER PERSON UNDER SUCH SHARED PHONE PLAN CONTRACT,
9 TO OPT-OUT OF SUCH CONTRACT WITHOUT CHARGE WHEN SUCH PERSON REQUESTS TO
10 OPT-OUT IN WRITING AND PROVIDES TO SUCH PROVIDER OF WIRELESS TELEPHONE
11 SERVICE ANY OF THE FOLLOWING DOCUMENTS, WHICH SHALL RELATE TO SUCH
12 DOMESTIC VIOLENCE, WITHIN SIX MONTHS OF THE DOCUMENT'S ISSUANCE: (A) A
13 VALID DOMESTIC VIOLENCE INCIDENT REPORT FORM, AS SUCH TERM IS DEFINED IN
14 SUBDIVISION FIFTEEN OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECU-
15 TIVE LAW; (B) A VALID POLICE REPORT; (C) A VALID ORDER OF PROTECTION;
16 (D) A SIGNED AFFIDAVIT FROM A LICENSED MEDICAL OR MENTAL HEALTH CARE
17 PROVIDER, EMPLOYEE OF A COURT ACTING WITHIN THE SCOPE OF HIS OR HER
18 EMPLOYMENT, SOCIAL WORKER, A RAPE CRISIS COUNSELOR, AS DEFINED IN
19 SECTION FORTY-FIVE HUNDRED TEN OF THE CIVIL PRACTICE LAW AND RULES, OR
20 ADVOCATE ACTING ON BEHALF OF AN AGENCY THAT ASSISTS DOMESTIC VIOLENCE

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

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1 VICTIMS. A CLAIM FOR OPTING-OUT OF SUCH CONTRACT WITHOUT CHARGE SHALL BE
2 MADE IN GOOD FAITH. SUCH PROVIDER SHALL WAIVE THE OTHERWISE APPLICABLE
3 CHARGES FOR SUCH PERSON REQUESTING TO OPT-OUT OF SUCH CONTRACT. ANY
4 PERSON REQUESTING AN ACCOMMODATION PURSUANT TO THIS SECTION MAY REQUEST,
5 AND IF REQUESTED SHALL BE PROVIDED AT NO COST TO SUCH PERSON, A NEW
6 TELEPHONE NUMBER WITHIN TWENTY-FOUR HOURS FROM THE REQUEST FOR SUCH
7 ACCOMMODATION.

8 S 2. This act shall take effect immediately and shall apply to
9 contracts entered into on and after such effective date.