STATE OF NEW YORK

1085--A

Cal. No. 75

2017-2018 Regular Sessions

IN ASSEMBLY

January 10, 2017

Introduced by M. of A. DINOWITZ, WEPRIN, SKOUFIS, GOTTFRIED, ARROYO, JOYNER -- Multi-Sponsored by -- M. of A. HEVESI, HIKIND -- read once and referred to the Committee on Judiciary -- ordered 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 special order of third reading

AN ACT to amend the general obligations law, in relation to requirements for the use of plain language in consumer transactions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The closing paragraph of subdivision a of section 5-702 of the general obligations law, as amended by chapter 1 of the laws of 1994, is amended to read as follows:

Any creditor, seller or lessor who fails to comply with this subdivision shall be liable to a consumer who is a party to a written agreement governed by this subdivision in an amount equal to any actual damages sustained plus a penalty of fifty dollars. The total class action penalty against any such creditor, seller or lessor shall not exceed ten thousand dollars in any class action or series of class actions arising out of the use by a creditor, seller or lessor of an agreement which fails to comply with this subdivision. No action under this subdivision may be brought after both parties to the agreement have fully performed their obligation under such agreement, nor shall any creditor, seller or lessor who attempts in good faith to comply with this subdivision be liable for such penalties. This subdivision shall not apply to a good faith attempt to describe the constant yield or other method of determining the lease charge and depreciation portions of each base rental payment under a lease of personal property. It also shall not apply to agreements involving amounts in excess of [~~fifty~~] **one hundred** thousand dollars nor prohibit the use of words or phrases or forms of agreement

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

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required by state or federal law, rule or regulation or by a governmental instrumentality.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply to any contract entered into after such effective date.