

STATE OF NEW YORK

3025

2017-2018 Regular Sessions

IN ASSEMBLY

January 24, 2017

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to establishing a cap on the amount a subscriber may be charged for leasing a modem, remote or other device from a cable television company

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

1 Section 1. The public service law is amended by adding a new section
2 section 231 to read as follows:

3 § 231. Leasing of equipment. 1. For the purposes of this section, the
4 following terms shall have the following meanings:

5 (a) "lease" means a contract or instrument conveying property to
6 another for a specified period or for a period determinable at the will
7 of either lessor or lessee in consideration of compensation; and

8 (b) "modem" means an electronic device that makes possible the trans-
9 mission of data to or from a computer via telephone or other communi-
10 cation lines.

11 2. No cable television company shall charge any subscriber an amount
12 which is more than the actual cost of the modem, remote control or any
13 other device paid for by the company and provided to the subscriber.

14 3. A cable or internet provider shall disclose in an initial billing
15 correspondence: (a) the amount the equipment costs the company, (b) how
16 many payments the subscriber must make on the equipment in total, and
17 (c) information regarding how or where a subscriber may purchase such
18 equipment at retail.

19 4. No cable television company shall charge any subscriber a monthly
20 fee for the lease or use of a new modem, remote control or other device
21 beyond twelve months after such equipment has been provided by such
22 cable television company. If a cable television company replaces the
23 customer's existing modem, remote control or other device with a new

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

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1 modem, remote control or other device during or after such twelve month
2 period an additional twelve month period shall commence.

3 5. No cable television company shall charge an additional or monthly
4 fee for the maintenance of a provided modem, remote control or other
5 device.

6 6. Whenever there shall be a violation of this section, application
7 may be made by the commission in the name of the people of the state of
8 New York to a court or justice having jurisdiction by a special proceed-
9 ing to issue an injunction, and upon notice to the defendant of not less
10 than five days, to enjoin and restrain the continuance of such
11 violations; and if it shall appear to the satisfaction of the court or
12 justice that the defendant has, in fact, violated this section, an
13 injunction may be issued by such court or justice, enjoining and
14 restraining any further violation, without requiring proof that any
15 person has, in fact, been injured or damaged thereby.

16 7. Whenever the court shall determine that a violation of this section
17 has occurred, the court may impose a civil penalty of not more than five
18 hundred dollars for each violation.

19 § 2. This act shall take effect immediately.