

# STATE OF NEW YORK

4439

2017-2018 Regular Sessions

## IN ASSEMBLY

February 2, 2017

Introduced by M. of A. TITUS, BENEDETTO, COOK, COLTON, RIVERA, CAHILL --  
Multi-Sponsored by -- M. of A. GOTTFRIED, GUNTHER, JAFFEE, JOHNS,  
LOPEZ, O'DONNELL, ROSENTHAL, ZEBROWSKI -- read once and referred to  
the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to cellular tele-  
phone applications

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

1 Section 1. The general business law is amended by adding a new section  
2 349-f to read as follows:

3 § 349-f. Cellular applications; protection. 1. As used in this  
4 section:

5 (a) "Cellular telephone service supplier" means a business entity  
6 which provides retail cellular telephone service within New York state.

7 (b) "Cellular telephone" means a cellular mobile radio telephone or  
8 other radio telephone not requiring an access line for service.

9 (c) "Cellular telephone subscriber" means any person enrolled in a  
10 cellular telephone service subscriber plan whether or not such subscri-  
11 er's cellular telephone services are active or suspended.

12 2. Cellular telephone subscribers who purchase cellular applications,  
13 games and/or ringtones from a cellular telephone service supplier shall  
14 be allowed to transfer such previously purchased products to cellular  
15 telephones which have been upgraded and/or returned to the cellular  
16 telephone service provider due to a defect or for any other reason.  
17 Where the cellular telephone is covered under a policy for loss and/or  
18 theft the cellular telephone subscriber shall be entitled to have all  
19 previously purchased applications, games and/or ringtones installed in  
20 their new cellular telephone or shall have the option of receiving a  
21 credit to their account for the purchase amount.

22 3. The provisions of subdivision two of this section shall only be  
23 applicable to cellular telephone subscribers who remain with the same

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

LBD00185-01-7

1 cellular telephone service provider and shall not apply to cellular  
2 telephone subscribers who switch cellular telephone service providers,  
3 unless a merger or acquisition has taken place with the cellular tele-  
4 phone service provider with whom the cellular telephone subscriber has  
5 switched to.

6 § 2. This act shall take effect on the first of January next succeed-  
7 ing the date on which it shall have become a law.