

STATE OF NEW YORK

6424

2017-2018 Regular Sessions

IN ASSEMBLY

March 7, 2017

Introduced by M. of A. MAYER -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring telemarketers to disclose that a call is being recorded

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

1 Section 1. Subparagraph 1 of paragraph b of subdivision 6 of section
2 399-pp of the general business law, as added by chapter 546 of the laws
3 of 2000, is amended to read as follows

4 (1) at the beginning of the call and prior to any request by the call-
5 er of the customer to release or disclose any of the customer's personal
6 or financial information, including but not limited, to the customer's
7 name, address, credit card, checking account or other financial account
8 number or information:

9 (a) that the purpose of the telephone call is to offer goods or
10 services for which a fee will be charged or to provide an investment
11 opportunity, whichever is the case;

12 (b) the telemarketer's name and the person on whose behalf the solic-
13 itation is being made if other than the telemarketer; [~~and~~]

14 (c) the identity of the goods or services for which a fee will be
15 charged; and

16 (d) whether the call is being recorded.

17 § 2. Subdivision 2 of section 399-z of the general business law, as
18 amended by chapter 369 of the laws of 2012, is amended to read as
19 follows:

20 2. No telemarketer or seller shall engage in telemarketing at any time
21 other than between 8:00 A.M. and 9:00 P.M. at the location of the
22 customer unless the customer has given his or her express consent to the
23 call at a different time. Telemarketers shall provide, in a clear and
24 coherent manner using words with common and everyday meanings, at the

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

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- 1 beginning of each telemarketing sales call all of the following informa-
2 tion:
- 3 a. the telemarketer's name and the person on whose behalf the solici-
4 tation is being made, if other than the telemarketer;
 - 5 b. the purpose of the telephone call; [~~and~~]
 - 6 c. the identity of the goods or services for which a fee will be
7 charged; and
 - 8 d. whether the call is being recorded.
- 9 § 3. This act shall take effect immediately.