STATE OF NEW YORK

3491--A

2017-2018 Regular Sessions

IN SENATE

January 23, 2017

Introduced by Sens. BAILEY, ALCANTARA, GOLDEN, HAMILTON, LATIMER, MONTGOMERY, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to disclosure by principal creditors and debt collection agencies of the legal obligations of a deceased debtor's family and household members

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

Section 1. The general business law is amended by adding a new section 601-a to read as follows:

§ 601-a. Disclosure by principal creditors and/or debt collection agencies. No principal creditors and/or debt collection agencies shall make any representation that a person is required to pay the debt of a family member in a way that contravenes with the Fair Debt Collection Practices Act (15 USC § 1692 et seq.). In addition, the principal creditors and/or debt collection agencies shall not make any misrepresentation about the family member's obligation to pay such debts.

§ 2. Section 600 of the general business law is amended by adding a new subdivision 4 to read as follows:

4. "Debt collection agency" shall mean a person, firm or corporation engaged in business, the principal purpose of which is to regularly collect or attempt to collect debts: (a) owed or due or asserted to be owed or due to another; or (b) obtained by, or assigned to, such person, firm or corporation, that are in default when obtained or acquired by such person, firm or corporation.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.

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

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