STATE OF NEW YORK

4361

2017-2018 Regular Sessions

IN SENATE

February 10, 2017

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer 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:

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

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

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

(b) the telemarketer's name and the person on whose behalf the solicitation is being made if other than the telemarketer; [~~and~~]

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

(d) whether the call is being recorded.

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

2. No telemarketer or seller shall engage in telemarketing at any time other than between 8:00 A.M. and 9:00 P.M. at the location of the customer unless the customer has given his or her express consent to the call at a different time. Telemarketers shall provide, in a clear and 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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beginning of each telemarketing sales call all of the following information:

a. the telemarketer's name and the person on whose behalf the solicitation is being made, if other than the telemarketer;

b. the purpose of the telephone call; [~~and~~]

c. the identity of the goods or services for which a fee will be charged**; and**

d. whether the call is being recorded.

§ 3. This act shall take effect immediately.