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:

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

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

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

(b) "modem" means an electronic device that makes possible the transmission of data to or from a computer via telephone or other communication lines.

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

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

4. No cable television company shall charge any subscriber a monthly fee for the lease or use of a new modem, remote control or other device beyond twelve months after such equipment has been provided by such cable television company. If a cable television company replaces the 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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modem, remote control or other device during or after such twelve month period an additional twelve month period shall commence.

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

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

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

§ 2. This act shall take effect immediately.