STATE OF NEW YORK

3273

2017-2018 Regular Sessions

IN SENATE

January 20, 2017
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Introduced by Sen. PARKER -- 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 prohibiting the use of social media websites for the purposes of collecting debts

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

1   Section 1. Subdivision 10 of section 601 of the general business law,
2 as added by chapter 342 of the laws of 2011, is amended and a new subdi-
3 vision 11 is added to read as follows:
4   10. If such principal creditor or agent sends more than fifty informa-
5 tion subpoenas per month, fail to keep complete records concerning all
6 information subpoenas sent by such principal creditor or agent. Such
7 records shall be maintained for five years. Contemporaneous records
8 shall be kept that set forth with specificity the grounds for such prin-
9 cipal creditor or agent's reasonable belief, which must be certified and
10 accompany each information subpoena pursuant to rule fifty-two hundred
11 twenty-four of the civil practice law and rules, that the party receiv-
12 ing the subpoena has in its possession information about the debtor that
13 will assist the creditor in collecting his or her judgement. In addition
14 to any other penalty that [my] **may** be imposed, failure to maintain
15 records in accordance with this subdivision shall subject such principal
16 creditor or agent to a civil penalty of not more than fifty dollars per
17 subpoena, up to a maximum of five thousand dollars per violation, in an
18 action brought by the attorney general[.]**; or**
19   **11. Use a social networking website as a means to collect on a consum-**
20 **er claim from a debtor. For purposes of this subdivision, "social**
21 **networking website" means an internet-based service that allows individ-**
22 **uals to: (a) construct a public or semi-public profile within a bounded**
23 **system, created by the service; (b) create a list of other users with**
24 **whom they share a connection within the system; and (c) view and navi-**
25 **gate their list of connections and those made by others within the**

1 **system. Provided, however, that "social networking website" shall not**
2 **include electronic mail (e-mail).**
3   § 2. This act shall take effect immediately.