

# STATE OF NEW YORK

5343--A

2019-2020 Regular Sessions

## IN ASSEMBLY

February 11, 2019

Introduced by M. of A. SEAWRIGHT -- read once and referred to the Committee on Consumer Affairs and 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 pre-recorded political messages

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

Section 1. Paragraphs (d) and (e) of subdivision 1 of section 399-p of the general business law, as amended by chapter 581 of the laws of 1992, are amended and two new paragraphs (f) and (g) are added to read as follows:

(d) "consumer telephone call" means a call made to a telephone number by a telephone solicitor, whether by device, live operator, or any combination thereof, for the purpose of soliciting a sale of any consumer goods or services for personal, family or household purposes to the consumer called, or for the purpose of soliciting an extension of credit for consumer goods or services to the consumer called, or for the purpose of obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services to the consumer called or an extension of credit for such purposes; provided, however, that "consumer telephone call" shall not include a call made by a telephone corporation, as defined by subdivision seventeen of section two of the public service law, in response to a specific inquiry initiated by a consumer regarding that consumer's existing or requested telephone service; ~~and~~

(e) "telephone solicitor" means a person who makes or causes to be made a consumer telephone call~~[-]~~;

(f) "political committee" shall have the same meaning as subdivision one of section 14-100 of the election law; and

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

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1 (g) "pre-recorded political message" shall mean a pre-recorded audio  
2 message delivered by telephone that is by:

3 i. a candidate or political committee; or

4 ii. any person when the content of the message expressly or implicitly  
5 advocates the success or defeat of any party, measure, or person at any  
6 election, or contains information about any candidate or party.

7 § 2. Subdivisions 7, 8 and 9 of section 399-p of the general business  
8 law are renumbered subdivisions 8, 9 and 10 and a new subdivision 7 is  
9 added to read as follows:

10 7. (a) No person or political committee shall deliver or knowingly  
11 cause to be delivered using an automatic dialing-announcing device a  
12 pre-recorded political message unless a live operator provides, within  
13 the first thirty seconds of the message the following information:

14 i. the name of the candidate or of any organization or organizations  
15 the person is calling on behalf of; and

16 ii. the name of the person or organization paying for the delivery of  
17 the message and the name of the treasurer of any such committee.

18 (b) A copy of all such scripts and schedules of such calls shall be  
19 filed with the New York state board of elections pursuant to article  
20 fourteen of the election law within twenty-four hours of such calls  
21 being made.

22 (c) Any person or political committee operating an automatic dialing-  
23 announcing device or placing any consumer telephone calls or pre-record-  
24 ed political messages shall register with the secretary of state as well  
25 as the New York state board of elections.

26 (d) The attorney general shall have the power to investigate  
27 violations of this subdivision. Such power shall also include the abili-  
28 ty to subpoena records in furtherance of any such investigation.

29 (e) Violations of this subdivision shall be punishable by a civil fine  
30 not to exceed two thousand dollars per occurrence.

31 § 3. This act shall take effect immediately.