

# STATE OF NEW YORK

8037

2019-2020 Regular Sessions

## IN ASSEMBLY

May 31, 2019

Introduced by M. of A. REYES -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to enacting the "New York state federal worker credit protection act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "New York state federal worker credit protection act".

3 § 2. Section 380-v of the general business law, as relettered by chap-  
4 ter 441 of the laws of 2014, is renumbered section 380-w and a new  
5 section 380-v is added to read as follows:

6 § 380-v. Reporting information of furloughed federal employees. (a) As  
7 used in this section, the following terms shall have the following mean-  
8 ings:

9 (1) "Furloughed federal employee" means:

10 (i) a federal or District of Columbia employee who is furloughed or  
11 excepted from furlough during a shutdown; or

12 (ii) a federal contractor who, during a shutdown, is not receiving pay  
13 by reason of such shutdown.

14 (2) "Shutdown" means any lapse in discretionary appropriations by the  
15 federal government.

16 (b) Notwithstanding any other provision of law to the contrary and  
17 upon request of a furloughed federal employee, a person that furnishes  
18 information to any consumer reporting agency shall not provide negative  
19 credit information of such furloughed federal employee to a consumer  
20 reporting agency if the action or inaction to which such negative credit  
21 information relates originated, and was rectified, during the period  
22 beginning thirty days before a shutdown and ending ninety days after  
23 such shutdown.

24 (c) With respect to any negative credit information described in  
25 subdivision (b) of this section and upon request of the furloughed

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

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1 federal employee to which such negative credit information relates, a  
2 person that furnishes information to any consumer reporting agency shall  
3 notify a consumer reporting agency that the action or inaction to which  
4 such negative credit information relates occurred during the period  
5 described in subdivision (b) of this section.

6 § 3. The general business law is amended by adding a new article 42 to  
7 read as follows:

8 ARTICLE 42

9 PROTECTIONS FOR FURLOUGHED FEDERAL EMPLOYEES

10 Section 1030. Definitions.

11 1031. Waiver of late fees.

12 1032. Stay of payments during a shutdown.

13 § 1030. Definitions. As used in this section the following terms shall  
14 have the following meanings:

15 1. "Furloughed federal employee" means:

16 (a) a federal or District of Columbia employee who is furloughed or  
17 excepted from furlough during a shutdown; or

18 (b) a federal contractor who, during a shutdown, is not receiving pay  
19 by reason of such shutdown.

20 2. "Shutdown" means any lapse in discretionary appropriations by the  
21 federal government.

22 § 1031. Waiver of late fees. Any entity regulated by the department of  
23 financial services shall waive any fine or penalty a furloughed federal  
24 employee owes or would owe during the duration of a shutdown based upon  
25 the inability of such furloughed federal employee to pay a civil obli-  
26 gation or other liability due to such shutdown. The department of finan-  
27 cial services shall promulgate rules and regulations regarding the  
28 documentation to be provided by a furloughed federal employee to demon-  
29 strate such inability.

30 § 1032. Stay of payments during a shutdown. A furloughed federal  
31 employee may apply to a court for a temporary stay, postponement, or  
32 suspension with respect to any payment of a civil obligation or liabil-  
33 ity that the furloughed federal employee owes or would owe during the  
34 duration of the shutdown. A court shall grant such temporary stay, post-  
35 ponement, or suspension upon a determination that the ability of such  
36 furloughed federal employee to perform the obligation was materially  
37 affected by the shutdown.

38 § 4. This act shall take effect immediately.