

# STATE OF NEW YORK

2065

2019-2020 Regular Sessions

## IN SENATE

January 22, 2019

Introduced by Sens. SERRANO, PARKER -- read twice and ordered printed,  
and when printed to be committed to the Committee on Energy and Tele-  
communications

AN ACT to amend the public service law, in relation to requiring disclo-  
sure terms relating to prepaid calling cards to be provided in  
languages other than English and increasing fines for violations of  
disclosure requirements

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

1 Section 1. Section 92-f of the public service law is amended by adding  
2 a new subdivision 3-a to read as follows:

3 3-a. a. If a language or languages other than English is used on a  
4 prepaid telephone calling card, its packaging, or in point of sale  
5 advertising, or promotional material relating to a prepaid calling card  
6 or prepaid telephone calling service, all disclosure required pursuant  
7 to the provisions of this section shall be provided in the same language  
8 or languages, in addition to English. All non-English disclosure  
9 provisions shall be clearly printed in a clear and conspicuous location  
10 on the calling card itself, or if the calling card is packaged in opaque  
11 packing, on the packaging.

12 b. As used in this subdivision, "promotional material" includes all  
13 materials prepared by the company that provides prepaid calling services  
14 through prepaid calling cards and any signs for display by retail  
15 merchants or any other promotional material that is prepared at the  
16 direction of the prepaid calling service.

17 c. If the calling card is purchased on the Internet, the disclosure  
18 requirements shall be displayed in a clear and conspicuous location on  
19 the website through which the calling card is purchased, including  
20 instructions and directions to any link with such disclosures, prior to  
21 purchasing the services.

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

LBD03566-01-9

1 § 2. Subdivision 3 of section 92-f of the public service law, as added  
2 by chapter 651 of the laws of 1999, is amended to read as follows:

3 3. Any company that provides prepaid calling services through prepaid  
4 calling cards shall print legibly on each card or packaging the follow-  
5 ing information:

6 a. any surcharges or fees, including monthly fees, per-call access  
7 fees, or surcharges for the first minute of use that may be applicable  
8 to the use of the prepaid calling card or prepaid calling services with-  
9 in the United States;

10 b. any additional or different prices, rates, or unit values applica-  
11 ble to international usage of the prepaid calling card or prepaid call-  
12 ing services;

13 c. any minimum charge per call, such as a three minute minimum charge;

14 d. any charge for calls that do not connect; [~~and,~~]

15 e. any recharge policy[~~;~~];

16 f. if applicable, the expiration date or other limitation on the peri-  
17 od of time for which the displayed, promoted, or advertised minutes will  
18 be available to the customer; and

19 g. any connection or disconnection fee or any surcharge associated  
20 with the calling card that is not part of the standard rate associated  
21 with each minute used by the card.

22 § 3. Subdivision 8 of section 92-f of the public service law, as added  
23 by chapter 651 of the laws of 1999, is amended to read as follows:

24 8. Enforcement. The commission shall have the power, consistent with  
25 federal law, to assess a penalty not to exceed [~~one~~] five thousand  
26 dollars against any company that provides prepaid calling cards or  
27 services that knowingly fails or neglects to comply with any provision  
28 of this section or any regulation or order of the commission implement-  
29 ing or enforcing the provisions of this section for a first violation  
30 and ten thousand dollars for a second or subsequent violation. All  
31 moneys recovered from any administrative penalty shall be paid into the  
32 state treasury to the credit of the general fund.

33 § 4. This act shall take effect on the one hundred twentieth day after  
34 it shall have become a law.