STATE OF NEW YORK

6018

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to requiring telephone service providers to provide free call mitigation technology to certain telephone customers

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 91-b to read as follows:

§ 91-b. Call mitigation technology. 1. A provider of telephone service, as defined in subdivision one of section ninety-two-e of this article, that provides telephone service to customers residing in the state shall make call mitigation technology available to any such customer, upon request, and at no additional charge. Such provider shall also offer to any such customer the ability to have the provider prevent calls and text messages identified as originating from a particular person from being completed to the called person, upon request, and at no additional charge. For purposes of this section, the term "call mitigation technology" shall mean technology that identifies an incoming call or text message as being, or as probably being, an autodialed call and, on that basis, blocks the call or message, diverts such call to the called person's answering system, or otherwise prevents such call from being completed to the called person, except that such technology permits a call or text so identified to be completed when such call is identified as being made by a law enforcement or public safety entity, or when such call is identified as originating from a caller with respect to whom the called person has provided prior express consent to receive such a call or message and has not revoked that consent.

2. The commission shall levy a fine in an amount equal to twenty-five thousand dollars for each day that a provider of telephone service fails

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

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to make such call mitigation technology available to its customers in accordance with this section.

3. The commission shall prescribe regulations to implement the requirements of this section, including, if appropriate, a reasonable delay in requiring implementation and offering of call mitigation technology if for good cause, taking into account the consumer protection purposes of this section, and including procedures for addressing incidents in which a call or text message wanted by the customer is prevented from reaching the customer.

§ 2. This act shall take effect January 1, 2021. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.