

STATE OF NEW YORK

3851

2019-2020 Regular Sessions

IN SENATE

February 20, 2019

Introduced by Sen. SANDERS -- 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 inclusion of a confession of judgment in a contract or agreement for a financial product or service

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

1 Section 1. The general business law is amended by adding a new section
2 396-aaa to read as follows:

3 § 396-aaa. Confession of judgment requirement for certain contracts;
4 prohibition. 1. No person shall require a confession of judgment in any
5 contract or agreement for a financial product or service.

6 2. As used in this section the following terms shall have the follow-
7 ing meanings:

8 (a) "Financial product or service" shall mean any financial product or
9 financial service offered or provided by any person regulated or
10 required to be regulated by the superintendent of financial services
11 pursuant to the banking law or the insurance law or any financial prod-
12 uct or service offered or sold to consumers except financial products or
13 services: (i) regulated under the exclusive jurisdiction of a federal
14 agency or authority, (ii) regulated for the purpose of consumer or
15 investor protection by any other state agency, state department or state
16 public authority, or (iii) where rules or regulations promulgated by the
17 superintendent of financial services on such financial product or
18 service would be preempted by federal law.

19 (b) "Financial product or service regulated for the purpose of consum-
20 er or investor protection": (i) shall include (A) any product or service
21 for which registration or licensing is required or for which the offeror
22 or provider is required to be registered or licensed by state law, (B)
23 any product or service as to which provisions for consumer or investor
24 protection are specifically set forth for such product or service by

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

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1 state statute or regulation and (C) securities, commodities and real
2 property subject to the provisions of article twenty-three-A of the
3 general business law, and (ii) shall not include products or services
4 solely subject to other general laws or regulations for the protection
5 of consumers or investors.

6 § 2. This act shall take effect on the ninetieth day after it shall
7 have become a law.