STATE OF NEW YORK

8319

2021-2022 Regular Sessions

IN ASSEMBLY

October 20, 2021

Introduced by M. of A. PAULIN, ROZIC, BURGOS, DINOWITZ, BURDICK, BUTTENSCHON, DICKENS, ENGLEBRIGHT, FRONTUS, GOTTFRIED, GONZALEZ-ROJAS, HEVESI, McMAHON, SEAWRIGHT, STERN, STIRPE, MIKULIN, McDONOUGH, BRABENEC, BROWN, J. A. GIGLIO, MANKTELOW, SALKA, TANNOUSIS, LEMONDES, DARLING -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to adding telephone numbers to a do-not-call list at the outset of certain telemarketing calls

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

Section 1. Subdivisions 7, 8 and 9 of section 399-z of the general business law, subdivisions 7 and 8 as added by chapter 369 of the laws of 2012, subdivision 9 as amended by chapter 572 of the laws of 2019, are amended to read as follows:

7. In the case of any telemarketing sales call delivered by means of a technology that delivers a pre-recorded message that could be received by a customer who can use an automated interactive voice and/or keypress activated opt-out mechanism to assert a do-not-call request, such call shall include a mechanism that allows the customer to automatically add the number called to the seller's entity specific do-not-call list **at the outset of the call**, and which mechanism, once invoked, immediately ends the call.

8. In the case of any telemarketing sales call delivered by means of a technology that delivers a pre-recorded message that could be answered by an answering machine or voicemail service, that the call include a toll-free number that must connect the customer directly to an automated interactive voice or keypress activated opt-out mechanism that allows the consumer to automatically add the number called to the seller's entity specific do-not-call list **at the outset of the call**, and which mechanism, once invoked, immediately ends the call.

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

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9. In the case of any telemarketing sales call made by a natural person, the telemarketer or seller shall inform the customer that he or she may request that his or her telephone number be added to the seller's entity specific do-not-call list **at the outset of the call**. If the customer opts to do so, the telemarketer or seller shall immediately end the call and shall add the number called to such list or cause the number called to be added to such list.

§ 2. This act shall take effect immediately.