

# STATE OF NEW YORK

3444

2021-2022 Regular Sessions

## IN SENATE

January 29, 2021

Introduced by Sens. COMRIE, ADDABBO, BAILEY, BROOKS, KRUEGER, PERSAUD, SANDERS, STAVISKY -- 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 and the banking law, in relation to prohibiting a consumer reporting agency or lender from using an individual's late payment of cashless tolls to determine such individual's credit worthiness

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

1 Section 1. Subparagraphs (vii) and (viii) of paragraph 1 of subdivi-  
2 sion (f) of section 380-j of the general business law, as added by chap-  
3 ter 867 of the laws of 1977, are amended to read as follows:

4 (vii) information relating to past confinement in a mental institution  
5 where the date of last confinement antedates the report by more than  
6 seven years; [~~or~~]

7 (viii) late payments of any cashless tolls as a factor to determine  
8 the consumer's credit worthiness, credit standing or credit capacity; or  
9 (ix) any other adverse information which antedates the report by more  
10 than seven years.

11 § 2. Section 352 of the banking law is amended by adding a new ninth  
12 undesignated paragraph to read as follows:

13 No licensee shall collect, evaluate, report or maintain in the file on  
14 a borrower the borrower's late payment of cashless tolls as a factor to  
15 determine the borrower's credit worthiness, credit standing or credit  
16 capacity. The provisions of this paragraph shall be enforced concurrent-  
17 ly by the superintendent and the director of the division of consumer  
18 protection and each shall utilize their consumer complaint and assist-  
19 ance hotlines to document complaints by borrowers who believe that their  
20 late payment of cashless tolls is being used to deny them credit. The  
21 superintendent shall ensure that the credit scoring formulas filed with  
22 the department do not contain variables which account for late payment  
23 of cashless tolls as part of that formula by asking the licensee to  
24 certify to that fact.

25 § 3. This act shall take effect immediately.

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

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