STATE OF NEW YORK

7157--A

Cal. No. 376

2021-2022 Regular Sessions

IN SENATE

June 3, 2021

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public service law and the general business law, in relation to requiring the release of individuals from utility, phone and television contracts in instances of domestic violence; and to repeal certain provisions of the public service law relating thereto

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

Section 1. Section 48-a of the public service law is REPEALED and a new section 48-a is added to read as follows:

§ 48-a. Utility services; domestic violence victims. 1. Every utility corporation shall allow a person who is under a shared contract with such utility corporation to opt-out of such contract without fee, penalty or charge when such person is a victim of domestic violence and provides an attestation in writing of their eligibility as a victim of domestic violence. Such utility corporation may not require such person to disclose confidential information or details relating to such person's status as a victim of domestic violence, as a condition of permitting such person to opt-out of such contract. Further, such utility corporation may not make release from such contract contingent on: (a) maintaining contractual or billing responsibility of a separated account with the provider; (b) approval of separation by the primary account holder, if the primary account holder is not the person making such request; or (c) a prohibition or limitation on the separation as a result of arrears accrued by the account. Such utility corporation shall release such person from such contract no later than seven days after

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

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receiving such opt-out request. Such utility corporation shall dispose of information submitted by such person no later than thirty days after receiving such information in a manner as to maintain confidentiality of such information.

2. Every utility corporation shall make information about the options and process described in subdivision one of this section readily available to customers on the website and any mobile application of such utility corporation, and in other forms of public-facing customer communication.

3. A covered provider and any officer, director, employee, vendor or agent thereof shall not be subject to liability for any claims arising from an action taken or omission made with respect to compliance with this section.

§ 2. The general business law is amended by adding a new section 399-cccc to read as follows:

§ 399-cccc. Wireless telephone services; domestic violence victims. 1. Every provider of wireless telephone service, as defined in paragraph (b) of subdivision one of section twelve hundred twenty-five-c of the vehicle and traffic law, shall allow a person who is under a shared phone plan contract with such provider to opt-out of such contract without fee, penalty or charge when such person is a victim of domestic violence and provides an attestation in writing of their eligibility as a victim of domestic violence. Such provider of wireless telephone service may not require such person to disclose confidential information or details relating to such person's status as a victim of domestic violence, as a condition of permitting such person to opt-out of such contract. Further, such provider of wireless telephone service may not make release from such contract contingent on: (a) maintaining contractual or billing responsibility of a separated account with the provider; (b) approval of separation by the primary account holder, if the primary account holder is not the person making such request; (c) a prohibition or limitation on number portability or a request to change phone numbers; or (d) a prohibition or limitation on the separation as a result of arrears accrued by the account. Such provider of wireless telephone service shall release such person from such contract no later than seven days after receiving such opt-out request. Such provider of wireless telephone service shall dispose of information submitted by such person no later than thirty days after receiving such information in a manner as to maintain confidentiality of such information.

2. Every provider of wireless telephone service shall make information about the options and process described in subdivision one of this section readily available to consumers on the website and any mobile application of the provider, in physical stores, and in other forms of public-facing consumer communication.

3. A covered provider and any officer, director, employee, vendor or agent thereof shall not be subject to liability for any claims arising from an action taken or omission made with respect to compliance with this section.

§ 3. Subdivisions 7 and 8 of section 91 of the public service law, subdivision 7 as amended by chapter 202 of the laws of 2013 and subdivision 8 as added by chapter 186 of the laws of 2019, are amended and two new subdivisions 13 and 14 are added to read as follows:

7. Every telephone corporation, as defined in this chapter shall, at its option: (a) allow a customer to use a modified or alternative name for a directory listing or (b) waive the otherwise applicable charges for a non-published telephone listing, where the customer requests

protection of its identity in connection with the customer's purchase of telephone service and the customer is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law, and for whose benefit any order of protection, other than a temporary order of protection, has been issued by a court of competent jurisdiction. This waiver of charges shall be for the duration of the applicable, non-temporary, order. Any non-published listings provided in this subdivision shall conform to all the same requirements of other non-published listings. A customer requesting such an accommodation shall provide [~~a copy of the order of protection to the applicable telephone corporation~~] an attestation in writing of their eligibility as a victim of domestic violence. Such telephone corporation may not require such customer to disclose confidential information or details relating to such customer's status as a victim of domestic violence, as a condition of implementing such accommodation. Any customer requesting an accommodation pursuant to this subdivision may also request and shall be provided, at no cost to the customer, a new telephone number within fifteen days from the request for such accommodation. Such telephone corporation shall dispose of information submitted by such customer no later than thirty days after receiving such information in a manner as to maintain confidentiality of such information.

8. Every telephone corporation, as defined in this chapter, shall allow a person who is under contract including, but not limited to, a multi-year contract or bundle contract with such telephone corporation, to opt-out of such contract without fee, penalty or charge when such person is a victim of domestic violence and [~~requests to opt-out in writing. Such victim of domestic violence shall provide to such telephone corporation any of the following documents, which shall relate to such domestic violence, within six months of the document's issuance: (a) a valid domestic violence incident report form, as such term is defined in subdivision fifteen of section eight hundred thirty-seven of the executive law; (b) a valid police report; (c) a valid order of protection; (d) a signed affidavit from a licensed medical or mental health care provider, employee of a court acting within the scope of his or her employment, social worker, a rape crisis counselor, as defined in section forty-five hundred ten of the civil practice law and rules, or advocate acting on behalf of an agency that assists domestic violence victims~~] provides an attestation in writing of their eligibility as a victim of domestic violence. Such telephone corporation may not require such person to disclose confidential information or details relating to such person's status as a victim of domestic violence, as a condition of permitting such person to opt-out of such contract. Further, such telephone corporation may not make release from such contract contingent on: (a) maintaining contractual or billing responsibility of a separated line with the provider; (b) approval of separation by the primary account holder, if the primary account holder is not the person making such request; (c) a prohibition or limitation on number portability or a request to change phone numbers; or (d) a prohibition or limitation on the separation of lines as a result of arrears accrued by the account. Such telephone corporation shall release such person from such contract no later than seven days after receiving such opt-out request. Such telephone corporation shall dispose of information submitted by such person no later than thirty days after receiving such information in a manner as to maintain confidentiality of such information. A claim for opting-out of such contract without charge shall be made in good faith. Such telephone corporation shall waive the otherwise applicable [~~charg-~~

~~es~~] fee, penalty or charge for such person requesting to opt-out of such contract.

13. Every telephone corporation, as defined in this chapter, shall make information about the options and process described in subdivision eight of this section readily available to consumers on the website and any mobile application of the provider, in physical stores, and in other forms of public-facing consumer communication.

14. A covered provider and any officer, director, employee, vendor or agent thereof shall not be subject to liability for any claims arising from an action taken or omission made with respect to compliance with subdivisions seven, eight or thirteen of this section.

§ 4. Section 399-yy of the general business law, as amended by chapter 186 of the laws of 2019, is amended to read as follows:

§ 399-yy. Cable television company providing telephone services. 1. Every cable television company, as defined in section two hundred twelve of the public service law, that provides telephone service to customers in New York shall, at its option: a. allow a customer without fee, penalty or charge to use a modified or alternative name for a directory listing or b. waive the otherwise applicable charges for a non-published telephone listing, where the customer requests protection of its identity in connection with the customer's purchase of telephone service and the customer is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law[~~, and for whose benefit any order of protection, other than a temporary order of protection, has been issued by a court of competent jurisdiction. This waiver of charges shall be for the duration of the applicable, non-temporary, order~~]. Any non-published listings provided in this section shall conform to all the same requirements of other non-published listings. A customer requesting such an accommodation shall provide [~~a copy of the order of protection to the applicable cable television company~~] an attestation in writing of their eligibility as a victim of domestic violence. Such cable television company may not require such customer to disclose confidential information or details relating to such customer's status as a victim of domestic violence, as a condition of implementing such accommodation. Any customer requesting an accommodation pursuant to this section may also request and shall be provided, at no cost to the customer, a new telephone number within fifteen days from the request for such accommodation. Such cable television company shall dispose of information submitted by such customer no later than thirty days after receiving such information in a manner as to maintain confidentiality of such information.

2. Every cable television company, as defined in section two hundred twelve of the public service law, that provides television and/or telephone service to customers in New York under contract including, but not limited to a multi-year contract or bundled contract with such cable television company, shall allow a person to opt-out of such contract without fee, penalty or charge when such person is a victim of domestic violence and [~~request to opt-out in writing. Such victim of domestic violence shall provide to such cable television company any of the following documents, which shall relate to such domestic violence, within six months of the document's issuance: (a) a valid domestic violence incident report form, as such term is defined in subdivision fifteen of section eight hundred thirty-seven of the executive law; (b) a valid police report; (c) a valid order of protection; (d) a signed affidavit from a licensed medical or mental health care provider, employee of a court acting within the scope of his or her employment, social worker, a~~

~~rape crisis counselor, as defined in section forty-five hundred ten of the civil practice law and rules, or advocate acting on behalf of an agency that assists domestic violence victims~~] provides an attestation in writing of their eligibility as a victim of domestic violence. Such cable television company may not require such person to disclose confidential information or details relating to such person's status as a victim of domestic violence, as a condition of permitting such person to opt-out of such contract. Further, such cable television company may not make release from such contract contingent on: (a) maintaining contractual or billing responsibility of a separated account with the provider; (b) approval of separation by the primary account holder, if the primary account holder is not the person making such request; or (c) a prohibition or limitation on the separation as a result of arrears accrued by the account. Such cable television company shall release such person from such contract no later than seven days after receiving such opt-out request. Such cable television company shall dispose of information submitted by such person no later than thirty days after receiving such information in a manner as to maintain confidentiality of such information. A claim for opting-out of such contract without charge shall be made in good faith. Such cable television company shall waive the otherwise applicable [~~charges~~] fee, penalty or charge for such person requesting to opt-out of such contract. Every cable television company shall make information about the options and process described in this section readily available to consumers on the website and any mobile application of the provider, in physical stores, and in other forms of public-facing consumer communication.

3. A covered provider and any officer, director, employee, vendor or agent thereof shall not be subject to liability for any claims arising from an action taken or omission made with respect to compliance with this section.

§ 5. Subdivision 1 of section 399-yyy of the general business law, as added by chapter 186 of the laws of 2019, is amended and a new subdivision 3 is added to read as follows:

1. Every direct broadcast satellite service provider, as defined in this section, that provides television and/or telephone services to customers in New York shall allow a person who is under contract including, but not limited to a multi-year contract or bundled contract with such satellite television company, to opt-out of such contract without fee, penalty or charge when such a person is a victim of domestic violence and [~~requests to opt-out in writing. Such victim of domestic violence shall provide to such satellite television company any of the following documents, which shall relate to such domestic violence, within six months of the document's issuance: (a) a valid domestic violence incident report form, as such term is defined in subdivision fifteen of section eight hundred thirty-seven of the executive law; (b) a valid police report; (c) a valid order of protection; (d) a signed affidavit from a licensed medical or mental health care provider, employee of a court acting within the scope of his or her employment, social worker, a rape crisis counselor, as defined in section forty-five hundred ten of the civil practice law and rules, or advocate acting on behalf of an agency that assists domestic violence victims~~] provides an attestation in writing of their eligibility as a victim of domestic violence. Such satellite television company may not require such person to disclose confidential information or details relating to such person's status as a victim of domestic violence, as a condition of permitting such person to opt-out of such contract. Further, such satellite television company

may not make release from such contract contingent on: (a) maintaining contractual or billing responsibility of a separated account with the provider; (b) approval of separation by the primary account holder, if the primary account holder is not the person making such request; or (c) a prohibition or limitation on the separation as a result of arrears accrued by the account. Such satellite television company shall release such person from such contract no later than seven days after receiving such opt-out request. Such satellite television company shall dispose of information submitted by such person no later than thirty days after receiving such information in a manner as to maintain confidentiality of such information. A claim for opting-out of such contract without charge shall be made in good faith. Such satellite television company shall waive the otherwise applicable [~~charges~~] fee, penalty or charge for such person requesting to opt-out of such contract. Every satellite television company shall make information about the options and process described in this section readily available to consumers on the website and any mobile application of the provider, in physical stores, and in other forms of public-facing consumer communication.

3. A covered provider and any officer, director, employee, vendor or agent thereof shall not be subject to liability for any claims arising from an action taken or omission made with respect to compliance with subdivision one of this section.

§ 6. This act shall take effect immediately and shall apply to contracts entered into on and after such effective date.