

STATE OF NEW YORK

8450

IN SENATE

March 2, 2022

Introduced by Sen. COONEY -- 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 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:

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

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

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

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

28 § 2. This act shall take effect immediately.

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

LBD13123-01-1