

STATE OF NEW YORK

7939--B

Cal. No. 463

2023-2024 Regular Sessions

IN ASSEMBLY

August 4, 2023

Introduced by M. of A. CUNNINGHAM -- read once and referred to the Committee on Consumer Affairs and Protection -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law, in relation to requiring telemarketers to provide certain information no later than thirty seconds from the commencement of a call and requiring telemarketers to disclose their address online and in written communication to customers

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

1 Section 1. The opening paragraph of subdivision 2 of section 399-z of
2 the general business law, as amended by chapter 660 of the laws of 2022,
3 is amended to read as follows:
4 No telemarketer or seller shall engage in telemarketing at any time
5 other than between 8:00 A.M. and 9:00 P.M. at the location of the
6 customer unless the customer has given [~~his or her~~] their express
7 consent to the call at a different time. Telemarketers shall provide, in
8 a clear and coherent manner using words with common and everyday mean-
9 ings, at the beginning but no later than thirty seconds from the
10 commencement of the call of each telemarketing sales call all of the
11 following information, provided that the information set forth in para-
12 graphs a and b of this subdivision shall be given to the customer first:
13 § 2. The opening paragraph of subparagraph 1 of paragraph b of subdivi-
14 sion 6 of section 399-pp of the general business law, as amended by
15 chapter 239 of the laws of 2017, is amended to read as follows:

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

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1 at the beginning but no later than thirty seconds from the commence-
2 ment of the call and prior to any request by the caller of the customer
3 to release or disclose any of the customer's personal or financial
4 information, including but not limited, to the customer's name, address,
5 credit card, checking account or other financial account number or
6 information:

7 § 3. Section 399-pp of the general business law is amended by adding a
8 new subdivision 10-b to read as follows:

9 10-b. A telemarketer shall disclose the address of any company on
10 whose behalf such telemarketer is providing telemarketing services, on
11 any website owned or operated by the telemarketer and on any subsequent
12 written communication to any customer.

13 § 4. This act shall take effect immediately.