STATE OF NEW YORK

7042

2023-2024 Regular Sessions

IN SENATE

May 17, 2023

Introduced by Sen. HOYLMAN-SIGAL -- 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 public service law, in relation to customer service access

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

Section 1. The general business law is amended by adding a new section 391-w to read as follows:

§ 391-w. Customer service access. 1. Businesses that provide products or services in New York, regardless of the geographical location of the point of communication between the organization or third party and customer, that are targeted to residents of New York, have at least one hundred employees, and whose annual revenue exceed fifty million dollars, shall provide a free, efficient, universally accessible, inclusive, nondiscriminatory and evaluable customer service telephone line which must be able to provide the following, including but not limited to:

(a) allowing a customer to connect with a human representative within five minutes of beginning a call;

(b) allowing a customer to present complaints, claims, incidents or queries and receive communication with regard to any complaint, claim, incident or query;

(c) have proof of complaints, claims, incidents or queries to customers by providing an identification key and a written record on a medium of the customer's choice that includes proof of content, date, and time of receipt by the company;

(d) when appropriate, provide a refund of the price of the good or service, in whole or in part, and other legally applicable compensation in the event of non-compliance or defective compliance with the contract or commercial offer; and

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

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(e) provide truthful, effective, comprehensive, transparent and up to date information on any incident that arises around the normal provision of services.

2. The use of answering machines or other similar means as an exclusive means of customer service is prohibited.

3. Instructions to access a customer service communication line established by each business pursuant to this section must appear in any contract with the consumer, on any invoices the business issues to customers, and on the website of the business, in an easy to identify, separate section, and in the case of the web pages on the home page of such website.

4. Any business that knowingly fails to comply with the requirements of this section shall be assessed a civil penalty for such violation by the attorney general not to exceed fifty thousand dollars per day. Each day such offense shall continue shall constitute a separate additional violation. In determination of any such violation the attorney general shall be authorized to take proof and make a determination of relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

§ 2. The public service law is amended by adding a new section 66-w to read as follows:

§ 66-w. Customer service access. 1. For purposes of this section:

(a) "call-answer rate" means the metric the department shall use to examine the percent of customers who request to speak with a customer service representative and are answered within thirty seconds by such customer service representative; and

(b) "corporation" means a gas corporation, electric corporation, and/or combination gas and electric corporation.

2. (a) Notwithstanding any law, rule, regulation, order, or tariff to the contrary, the department shall require every corporation to establish an annual customer service call-answer rate of at least ninety percent.

(b) The department shall have the authority to establish negative revenue adjustments for each corporation that fails to satisfy the annual customer service call-answer rate of at least ninety percent.

(i) The department shall set the negative revenue adjustments at a rate proportional to the corporation's failure to achieve the mandated call-answer rate.

(ii) The department shall apply sur-credits to the corporation's rate base when negative revenue adjustments are issued for a corporation's failure to achieve the mandated call-answer rate. The company shall clearly indicate the sur-credit on the customer's bill and include a brief description of the reason for the sur-credit.

(c) Every corporation shall file an annual report with the department that indicates what their call-answer rate was for the prior calendar year. If a corporation fails to meet the target call-answer rate, the report shall, at a minimum, include an explanation of such and the steps the corporation is taking to improve its performance in the next calendar year. A copy of the reports will be shared by the department with the assembly, senate, and the governor on an annual basis. The reports shall also be published publicly online on every gas corporation, electric corporation, and combination gas and electric corporation's public facing website.

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law.