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:

Section 1. The opening paragraph of subdivision 2 of section 399-z of the general business law, as amended by chapter 660 of the laws of 2022, is amended to read as follows:

No telemarketer or seller shall engage in telemarketing at any time other than between 8:00 A.M. and 9:00 P.M. at the location of the customer unless the customer has given [~~his or her~~] **their** express consent to the call at a different time. Telemarketers shall provide, in a clear and coherent manner using words with common and everyday meanings, at the beginning **but no later than thirty seconds from the commencement of the call** of each telemarketing sales call all of the following information, provided that the information set forth in paragraphs a and b of this subdivision shall be given to the customer first:

§ 2. The opening paragraph of subparagraph 1 of paragraph b of subdivision 6 of section 399-pp of the general business law, as amended by 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.

LBD11934-07-4

at the beginning **but no later than thirty seconds from the commencement** of the call and prior to any request by the caller of the customer to release or disclose any of the customer's personal or financial information, including but not limited, to the customer's name, address, credit card, checking account or other financial account number or information:

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

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

§ 4. This act shall take effect immediately.