

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 Assem-
bly, do enact as follows:

1 Section 1. The general business law is amended by adding a new section
2 391-w to read as follows:

3 § 391-w. Customer service access. 1. Businesses that provide products
4 or services in New York, regardless of the geographical location of the
5 point of communication between the organization or third party and
6 customer, that are targeted to residents of New York, have at least one
7 hundred employees, and whose annual revenue exceed fifty million
8 dollars, shall provide a free, efficient, universally accessible, inclu-
9 sive, nondiscriminatory and evaluable customer service telephone line
10 which must be able to provide the following, including but not limited
11 to:

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

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

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

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

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

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

4 2. The use of answering machines or other similar means as an exclu-
5 sive means of customer service is prohibited.

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

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

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

22 § 66-w. Customer service access. 1. For purposes of this section:

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

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

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

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

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

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

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

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