

STATE OF NEW YORK

9697

IN SENATE

April 2, 2026

Introduced by Sen. CLEARE -- 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:

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

3 § 391-y. 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

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

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

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

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

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

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

19 § 66-x. Customer service access. 1. For purposes of this section:

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

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

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

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

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

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

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

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