§ 94-a. Consumer protection division. 1. Legislative declaration. The legislature hereby finds and declares that the consumption of goods and services is an economic activity that affects the life of every citizen. The legislature further finds that unscrupulous and questionable business practices are detrimental to the economic well-being of the citizens of this state. In order to protect the people of New York state from economic harm the legislature finds that it is appropriate that the responsibilities of the consumer protection board be consolidated into a new consumer protection division under the supervision of the secretary.

2. Consumer protection division. (a) The secretary shall establish a consumer protection division in the department.

(b) The secretary is authorized to establish within the consumer protection division one or more units and assign appropriate functions to any such unit and may appoint such staff as necessary and prescribe their duties and fix their compensation within the appropriation provided by law.

(c) The secretary shall establish a public education and outreach campaign to publicize the consumer protection division so as to maximize public awareness of, and the services provided by, such division.

3. Powers of the consumer protection division. (a) The division shall have the power and duty to:

(1) receive complaints of consumers, attempt to mediate such complaints where appropriate, and refer complaints to the appropriate unit of the department, or federal, state or local agency authorized by law for appropriate action on such complaints;

(2) coordinate the activities of all state agencies performing consumer protection functions;

(3) initiate and encourage consumer education programs;

(4) conduct investigations, research, studies and analyses of matters affecting the interests of consumers;

(5) cooperate with and assist the attorney general and the department of financial services in the carrying out of legal enforcement responsibilities for the protection of consumers;

(6) implement other powers and duties by regulation and otherwise as prescribed by any provision of law;

(7) (i) advise and make recommendations to the governor on matters affecting the consumers of the state and promote and encourage the protection of the legitimate interests of consumers within the state;

(ii) study the operation of consumer protection laws and recommend to the governor new laws and amendments of laws for consumer protection;

(8) represent the interests of consumers of the state before federal, state and local administrative and regulatory agencies;

(9) establish a process by which victims of identity theft will receive assistance and information to resolve complaints. To implement the process the secretary shall have the authority to:

(i) promulgate rules and regulations to administer the identity theft prevention and mitigation program; and

(ii) act as a liaison between the victim and any state agency, public authority, or any municipal department or agency, the division of state police, and county or municipal police departments, and any non-governmental entity, including but not limited to, consumer credit reporting agencies, to facilitate the victim obtaining such assistance and data as will enable the program to carry out its duties to help consumers resolve the problems that have resulted from the identity theft. Trade secrets and proprietary business information contained in the documents or records that may be received by the division shall be exempt from disclosure to the extent allowed by article six of the public officers law;

(10) undertake activities to encourage business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion and sale of consumer goods and services;

(11) conduct product research and testing and, where appropriate, contract with private agencies and firms for the performance of such services;

(12) cooperate with and assist local governments in the development of consumer protection activities;

(13) establish advisory councils to assist in policy formulation on specific consumer problems;

(14) cooperate with and assist consumers in class actions in proper cases;

(15) create an internet website or webpage pursuant to section three

hundred ninety-c of the general business law, as added by chapter five hundred nine of the laws of two thousand seven; and

(16) exercise such powers and duties granted to the secretary by article sixteen of the energy law as the secretary may direct, including, but not limited to: consult with such president of the New York state energy research and development authority in connection with investigations conducted by such president pursuant to article sixteen of the energy law; make determinations relating to compliance by products with the standards adopted pursuant to article sixteen of the energy law; order the immediate cessation of any distribution, sale or offer for sale, import, or installation of any product that does not meet such standards; and impose civil penalties as contemplated by article sixteen of the energy law.

4. Utility intervention unit. (a) There is established within the division a state utility intervention unit.

(b) The utility intervention unit shall have the power and duty to:

(i) on behalf of the secretary, initiate, intervene in, or participate in any proceedings before the public service commission or the department of public service, to the extent authorized by sections three-b, twenty-four-a, seventy-one, eighty-four or ninety-six of the public service law or any other applicable provision of law, where he or she deems such initiation, intervention or participation to be necessary or appropriate;

(ii) represent the interests of consumers of the state before federal, state and local administrative and regulatory agencies engaged in the regulation of energy services;

(iii) accept and investigate complaints of any kind from Long Island power authority consumers, attempt to mediate such complaints where appropriate directly with such authority and refer complaints to the appropriate state or local agency authorized by law to take action with respect to such complaints; and

(iv) hold regular forums in each of the service territories of the combination gas and electric corporations, as defined under section two of the public service law, and the Long Island power authority to educate consumers about utility-related matters and the regulatory process, opportunities to lower energy costs, including through energy

efficiency and distributed generation, and other matters affecting consumers.

5. Reports. (a) No later than March fifteenth of each year, beginning in two thousand twelve, the secretary shall furnish to the governor, the speaker of the assembly and the temporary president of the senate a report describing the activities of the consumer protection division. The secretary shall prepare quarterly a report to the governor, the speaker of the assembly and the temporary president of the senate of the category and number of complaints received by the division during the previous quarter in sufficient detail to assist the recipients in determining the need for additional laws for the protection of the consumer. Additionally, all such complaints received by the division shall be maintained on a category by category basis.

(b) No later than January first, two thousand twelve, the secretary shall furnish to the governor, the speaker of the assembly and the temporary president of the senate a report describing the activities of the consumer protection division regarding the public education and outreach campaign required pursuant to paragraph (c) of subdivision two of this section.