

STATE OF NEW YORK

8319--C

Cal. No. 547

2021-2022 Regular Sessions

IN ASSEMBLY

October 20, 2021

Introduced by M. of A. PAULIN, ROZIC, BURGOS, DINOWITZ, BURDICK, BUTTENSCHON, DICKENS, ENGLEBRIGHT, FRONTUS, GOTTFRIED, GONZALEZ-ROJAS, HEVESI, McMAHON, SEAWRIGHT, STERN, STIRPE, MIKULIN, McDONOUGH, BRABENEK, K. BROWN, J. A. GIGLIO, MANKTELOW, SALKA, TANNOUSIS, LEMONDES, DARLING, OTIS -- 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law, in relation to adding telephone numbers to a do-not-call list at the outset of certain telemarketing calls

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

- 1 Section 1. Subdivision 2 of section 399-z of the general business law,
2 as amended by chapter 239 of the laws of 2017, is amended to read as
3 follows:
4 2. No telemarketer or seller shall engage in telemarketing at any time
5 other than between 8:00 A.M. and 9:00 P.M. at the location of the
6 customer unless the customer has given his or her express consent to the
7 call at a different time. Telemarketers shall provide, in a clear and
8 coherent manner using words with common and everyday meanings, at the
9 beginning of each telemarketing sales call all of the following informa-
10 tion, provided that the information set forth in paragraphs a and b of
11 this subdivision shall be given to the customer first:
12 a. the telemarketer's name and the person on whose behalf the solici-
13 tation is being made, if other than the telemarketer;

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

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- 1 b. the [~~purpose of the telephone call~~] option to be automatically
 - 2 added to the seller's entity specific do-not-call list, as required by
 - 3 subdivisions seven, eight, and nine of this section;
 - 4 c. [~~the identity of the goods or services for which a fee will be~~
 - 5 ~~charged; and~~
 - 6 ~~d.~~] whether the call is being recorded;
 - 7 d. the purpose of the telephone call; and
 - 8 e. the identity of the goods or services for which a fee will be
 - 9 charged.
- 10 § 2. This act shall take effect on the ninetieth day after it shall
- 11 have become a law.