



NEW YORK STATE SENATOR

Martin J. Golden

Governor Cuomo and Legislative Leaders Agree to Legislation to Better Protect New Yorkers From Intrusive and Unwanted Telemarketing

MARTIN J. GOLDEN May 29, 2012

Governor Andrew M. Cuomo, Senate Majority Leader Dean Skelos, and Assembly Speaker Sheldon Silver today announced an agreement to pass legislation that will better protect New Yorkers from intrusive telemarketing tactics.

The legislation would prohibit all telemarketers doing business in New York from delivering prerecorded messages by telephone call to customers without express consent from the recipient.

The Governor's legislation would also give authority to the Department of State to ban telemarketing companies that violate New York's telemarketing laws from doing business in New York State.

"More and more New Yorkers are receiving unwanted phone calls from telemarketing companies, causing an unwanted and unnecessary disturbance," Governor Cuomo said. "This legislation is designed to ensure that telemarketers only target individuals who have chosen to receive promotional messages, and New York consumers and phone owners are no longer subject to harassing and annoying marketing offers."

Currently, telemarketers licensed outside of New York are able to harass New York consumers, pay a negligible fine, and continue to do business in the state. Under the Governor's proposal, all telemarketers doing business in New York will be required to register with the Department of State which will have the authority to revoke or suspend the registration of companies that do not comply with state law. In addition, violation of the telemarketing law could result in additional fines and misdemeanor charges.

At present, only 22 telemarketers are registered in New York. In contrast, in nearby states that require registration of out-of-state telemarketers calling into the state, the numbers are much higher. 557 telemarketers are registered in New Jersey, 213 are registered in Pennsylvania, and 333 are registered in Vermont.

In 2000, New York enacted the Do Not Call laws to protect consumers from unwanted and abusive telemarketing calls. The law permits consumers to place their telephone numbers on a central registry to reduce the number of unsolicited telemarketing calls they receive. New Yorkers have registered over 13 million phone numbers on the Do-Not-Call registry. From 2009 to the present, the Department of State's Division of Consumer Protection has received nearly 5,000 Do Not Call complaints and inquiries; in just the first quarter of 2012, the FTC received 61,705 Do Not Call complaints from New Yorkers. New Yorkers who wish to place their numbers on the Do Not Call registry can visit: <https://www.donotcall.gov/>

Senate Majority Leader Dean G. Skelos said, "This agreement puts the power back into the hands of consumers who want to avoid unwanted telemarketing calls. By making it more convenient for New Yorkers to opt-out of telemarketers' lists and strengthening the state's 'Do-Not-Call' registry requirements, the disruptions that come from unsolicited phone calls from telemarketers will be significantly reduced, enhancing the quality-of-life for countless New York families."

Assembly Speaker Sheldon Silver said, "When it comes to consumer complaints, aggressive telemarketing is most common. I applaud Governor Cuomo for taking this step further protecting New Yorkers from these unwelcome solicitations."

Chuck Bell, Programs Director for Consumers Union, said, "The legislation introduced today by Governor Cuomo is a big win for New York consumers. We have all experienced unwanted telemarketing and this bill ensures that New Yorkers have a means of putting an end to these calls. We commend the Governor for taking the lead and putting New York on the forefront of protecting consumers from unsolicited marketing tactics."

Joan Parrott-Fonseca, AARP New York State Director, said, "We commend Governor Cuomo for taking up this fight on behalf of New Yorkers, especially those who are older and often targeted by unscrupulous telemarketers. Stronger protections will ensure that consumers in our state no longer receive harassing calls or other pre-recorded marketing messages."

Susan Grant, Director of Consumer Protection, Consumer Federation of America, said, "States play an important role in protecting the privacy of their residents. We commend Governor Cuomo for taking up the fight on behalf of New Yorkers who do not want to be on the receiving end of pre-recorded marketing messages and other annoying telephone solicitations."

The legislation would take effect 90 days after it becomes law.