



NEW YORK STATE SENATOR

Hugh T. Farley

Senate Gives Final Passage to Bill Protecting Consumers From Intrusive Telemarketers

HUGH T. FARLEY June 21, 2012

| ISSUE: **CONSUMER PROTECTION**



State Senator Hugh T. Farley (r, C, I - Schenectady) announced that he and his colleagues in the New York State Senate recently gave final legislative passage to a bill that protects New Yorkers from intrusive or unwanted telemarketing practices. The bill (S7567A) regulates all telemarketers who do business in New York, wherever they may be located, and adds new consumer protections from unwelcome prerecorded calls, known as robocalls, from

telemarketers.

New Yorkers have registered over 13 million phone numbers on the Do-Not-Call registry. From 2009 to the present, the state Department of State' (DOS) Division of Consumer Protection has received nearly 5,000 "Do Not Call" complaints and inquires. In just the first quarter of 2012, the Federal Trade Commission received 61,705 "Do Not Call" complaints from New Yorkers.

The DOS registers telemarketers but exempts those engaged in telemarketing that are registered, chartered, certified, or licensed by another state. Currently, 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. For example, 557 telemarketers are registered in New Jersey, 213 are registered in Pennsylvania, and 333 are registered in Vermont.

Without this legislation being enacted, these telemarketers could continue to do business in New York and not be subject to civil and criminal penalties established for violations law which include fines and criminal penalties, as well as the revocation, suspension, and denial of renewal of registration.

This bill puts all telemarketers on a level playing field and protects New Yorkers from harassment from wherever it may come. It would regulate all telemarketers who do business in New York, even if they are located in another state, and would ensure that telemarketers comply with New York law.

The legislation would also prohibit prerecorded telemarketing calls, also known as robocalls, without the call recipient's express written consent, and requiring that prerecorded calls provide an automated interactive key-press or voice activated opt-out mechanism that would allow recipients to automatically add their phone number to the telemarketer's do-

not-call list and then terminate the call.