



NEW YORK STATE SENATOR

Andrew J. Lanza

Senator Lanza Announces New Law to Make Invasive and Unwanted Telemarketing More Difficult in New York Stat

ANDREW J LANZA August 15, 2012

| ISSUE: **CONSUMER PROTECTION**



Governor Andrew M. Cuomo signed legislation today, cosponsored by Senator Andrew J. Lanza, that will reduce telemarketing by prohibiting calls that deliver prerecorded messages unless the recipient has expressly consented to such calls and requiring telemarketers to provide call recipients with the option to put their phone number on the telemarketer's do-not-call list.

The 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.

"Unwanted telemarketing calls have become an increasing nuisance here in New York State," said Senator Andrew Lanza. "Under current law, out-of-state businesses that engage in telemarketing are exempt from New York State regulation and are not required to register with the Department of State (DOS). This bill, which I was proud to sponsor in the Senate, will require these entities to register with the DOS and fully comply with our laws."

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. The legislation will take effect in 90 days.

At present, fewer than 30 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, ranging from over 200 in Pennsylvania to over 300 in Vermont and over 500 in New Jersey.

In 2000, New York enacted the Do Not Call law 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, "Complaints about intrusive and unwanted telemarketers are pervasive throughout New York, but this new law will help by holding all telemarketers to the same standard. I applaud Senator Zeldin, Governor Cuomo and our colleagues in the Assembly for working together to hold every telemarketer accountable and giving consumers more power to avoid unwelcome solicitations."

#####