

2019 Annual Report

New York State Standing Committee on Consumer Protection



Senator Kevin M. Thomas
Chair

CHAIRMAN, MAJORITY MEMBER

CONSUMER PROTECTION

COMMITTEES

AGING

BANKS

FINANCE

JUDICIARY

VETERANS, HOMELAND SECURITY
AND MILITARY AFFAIRS

NEW YORK
STATE
SENATE



KEVIN M. THOMAS
SENATOR, 6TH DISTRICT

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December 31, 2019

The Honorable Andrea Stewart-Cousins
Temporary President and Majority Leader
New York State Senate
Albany, NY 12247

Dear Senator Stewart-Cousins:

I am pleased to share the Annual Report of the Senate's Standing Committee on Consumer Protection for the 2019 Legislative Session. As Chair, I am proud to continue to lead our efforts to address important matters under my committee's jurisdiction.

This session, 212 bills were referred to the Committee for review. The Committee met seven times and reported 37 bills. Of those bills, 10 were signed into law. A list of all the bills that were reported from the committee is provided in this report.

In addition to its regular meetings, the Committee also held four hearings this past year. The topics of those hearings included student loan debt, protecting consumer data, and housing discrimination on Long Island.

I thank my colleagues who served on the Committee for their efforts and support of the work that was done in the committee this year, and I thank you for the continued support from the Majority Conference in the committee's operations.

Sincerely,

A handwritten signature in blue ink, appearing to be 'K. Thomas'.

Senator Kevin Thomas
6th Senate District

2019 LEGISLATIVE SESSION REPORT

**NEW YORK STATE SENATE
STANDING COMMITTEE ON CONSUMER PROTECTION**

Senator Kevin Thomas, Chairperson

Committee Members

Senator Leroy Comrie
Senator Brian Kavanagh
Senator Zellnor Myrie
Senator Jessica Ramos

Senator Chris Jacobs
Senator James Tedisco

Committee Staff

Josie Huba, Committee Clerk
Jacqueline Donaldson, Finance Analyst for Committee
Jessica Persaud, Counsel to the Committee

COMMITTEE JURISDICTION AND OVERVIEW

The New York State Senate Standing Committee on Consumer Protection has legislative oversight responsibilities for issues arising under the General Business Law, including issues concerning unfair, deceptive and fraudulent businesses practices. A particular focus of the Committee is on electronic and online conduct affecting consumers, such as online marketing, disclosures, and data protection and on protecting student loan borrowers. The Committee emphasizes educating consumers and business about their rights and responsibilities.

LEGISLATION SIGNED INTO LAW

S1627-B	Skoufis	Enacts "Harper's Law" requiring tip restraint devices on certain furniture
S2455	Krueger	Relates to prohibiting consumer contract provisions waiving the consumer's right to make statements concerning goods or services
S2302	Kavanagh	Prohibits a consumer reporting agency or lender from using certain information to determine an individual's credit worthiness
S3582	Comrie	Relates to requiring a consumer credit reporting agency to offer identity theft prevention and mitigation services in the case of a breach of the security of such agency's system
S3788-A	Carlucci	Relates to prohibiting the sale of crib bumper pads and the restriction of the use of such pads in certain settings
S4019	Thomas	Relates to early termination of motor vehicle lease contracts
S4020-A	Thomas	Prohibits telemarketers from knowingly placing unsolicited telemarketing sales calls during a state of emergency or disaster emergency
S4777	Kaminsky	Enacts the nuisance call act
S4807	Carlucci	Enacts the pension poaching prevention act
S5575-B	Thomas	Relates to a notification of a security breach

LEGISLATION PASSED BY THE SENATE

S35	Hoylman	Clarifies the definition of imitation weapon
S1475	Hoylman	Prohibits certain practices by businesses making an automatic renewal or continuous service offer to consumers in the state
S1631-A	Skoufis	The Anthony Amoros Law; relates to disclosure of airbag defects for certain vehicles
S1645-B	Brooks	Requires a homeowner be provided a cost estimate for installation of a fire sprinkler system
S2829-B	Thomas	Requires debt collectors to send consumers a written notice of their rights under state law along with their debt collection correspondence
S2834	Savino	Relates to licensing laser hair removal technicians
S4403-A	Savino	Relates to fire suppression systems and licensing professionals to perform authorized work on fire suppression systems
S4427-A	Thomas	Relates to warranties and protections for purchasers of new and used motor vehicles
S4977	Skoufis	Relates to process server records
S1769	Sepulveda	Relates to mercantile establishments and the defense of lawful detention

LEGISLATION ADVANCED TO COMMITTEE OF SECONDARY REFERENCE

S1835	Gianaris	Creates a private right of action for improper debt collection procedures
S1843	Hoylman	Prohibits rental vehicle companies from imposing any fees, charges or penalties, other than the actual cost of a toll, on an authorized driver for such driver's use of a rental vehicle
S1958	Thomas	Requires the licensure of student loan servicers (BUDGET)
S2121	Sanders	Prohibits persons or business entities from filing unnecessary personal identifying information with an agency
S2407-B	Comrie	Relates to standing for persons affected by prohibited or unlawful business practices
S2898	Thomas	Relates to adverse information in credit reports of certain furloughed federal government employees
S2426-A	Kaplan	Relates to student debt consultants
S2679	Mayer	Prohibits businesses from charging a price for goods on the basis of gender
S2884-D	Sanders	Prohibits the disclosure or use of consumer credit history in hiring, employment and licensing determinations
S3231	Savino	Requires all massage therapy businesses to be licensed by the department of state
S3406	Kaplan	Prohibits advertisements for electronic cigarettes, liquid nicotine and hookah tobacco within five hundred feet of a school or park
S3823	Savino	Directs the department of state to study, evaluate and make recommendations concerning safety standards at baseball stadiums
S4394	Biaggi	Requires debt collectors to inform debtors that written communications are available in large print format
S4555	Kaplan	Relates to consumer litigation funding
S5598-A	Thomas	Relates to unfair practices of proprietary institutions of higher education
S5056	Thomas	Relates to restricting advertisement and promotion of electronic cigarettes
S5171	Kennedy	Enhances protections for homeowners who have paid contractors, subcontractors, and material suppliers for home improvements

JOINT PUBLIC HEARING ON STUDENT LOAN DEBT

Committees: Consumer Protection & Banks

Purpose: To review the findings of the United State Department of Education Inspector General report on the oversight of student loan servicers, and to consider efforts the State of New York might take to protect student loan borrowers.

Witness List

David R. Jones, President and CEO, Community Service Society

Adam Boornazian, Financial Coach, Financial Coaching Corps

Yan Cao, Fellow, The Century Foundation

Taela Dudley, Policy Associate, The Century Foundation

Austin Ostro, Vice President, Student Assembly of the State University of New York

Kirsten Keefe, Senior Attorney, Empire Justice Center

Charles Bell, Programs Director, Consumer Reports

Ramond Curtis, State Policy Manager, Veterans Education Success

Cyrille Njikeng, Executive Director, University Student Senate, The City University of New York

**JOINT PUBLIC HEARING: TO CONDUCT DISCUSSION ON ONLINE PRIVACY AND WHAT
ROLE THE STATE LEGISLATURE SHOULD PLAY IN OVERSEEING IT**

Committees: Consumer Protection & Internet and Technology

Purpose: To investigate concerns and challenges faced by consumers online, especially when it comes to safeguarding their personal information on various platforms.

Witness List

Zachary Hecht, Policy Director, Tech:NYC

John Olsen, Director, Government Affairs, Internet Association

Christina Fisher, Executive Director for the Northeast, TechNet

Ted Potrikus, President & CEO, Retail Council of New York State

Ari Ezra Waldman, Professor of Law, New York Law School

Lindsey Barrett, Staff Attorney & Teaching Fellow at Institute for Public Representation,
Georgetown University Law Center

Joseph Jerome, Policy Counsel, Center for Democracy and Technology

Mary Stone Ross, Co-author of California Consumer Privacy Act, MSR Strategies

Allie Bohm, Policy Counsel, New York Civil Liberties Union

Charles Bell, Programs Director, Consumer Reports

Kate Powers, Director of Legislative Affairs, NYS Attorney General's Office

James Loperfido, Vice President of BD, North America, Sormitsu Co., Ltd.

Marta Belcher, Attorney, Ropes & Gray, LLP

John T. Evers, Ph.d, Director of Government Affairs, The Business Council of NYS, Inc.

Andrew Kingman, Senior Managing Attorney, DLA Piper, LLP

JOINT PUBLIC HEARING ON PROTECTING CONSUMER DATA & PRIVACY ON ONLINE PLATFORMS

Committees: Consumer Protection & Internet and Technology

Purpose: To investigate concerns and challenges faced by consumers online, especially when it comes to safeguarding their personal information on various platforms.

Witness List

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| Panel 1 | Kathryn S. Wylde, President & CEO, Partnership for New York City |
| Panel 2 | John Evers, Director Government Affairs, The Business Council of NYS |
| Panel 3 | Sharon Seidl, Senior User Experience Designer, Consumer Reports
Justin Brookman, Director, Consumer Privacy and Technology, Consumer Reports |
| Panel 4 | John Olsen, Director, Government Affairs - Internet Association
Christina Fisher, Executive Director for the Northeast, TechNet
Zachary Hecht, Policy Director, Tech:NYC |
| Panel 5 | City of New York
Sam Solomon, Counsel to the Chief Privacy Officer
Michael Pastor, General Counsel.
John Paul Farmer, Chief Technology Officer |
| Panel 6 | Hon. Michael Balboni, President & Managing Director, Redland Strategies |
| Panel 7 | David Carroll, Associate Professor of Media Design, Parsons School of Design at the New School
Brittany Kaiser, Co-Founder and Director, Digital Asset Trade Association (DATA) |
| Panel 8 | Jim Halpert, Co-Chair of DLA's Data Privacy & Global Cybersecurity Practice Group, On behalf of the State Privacy & Security Coalition |
| Panel 9 | Allie Bohm, Policy Counsel, New York Civil Liberties Union |
| Panel 10 | Dr. Siwei Lyu, Associate Professor Computer Science, University at Albany, State University of New York |
| Panel 11 | Theodore Claypoole, Partner, Womble Bond Dickinson
Tiffany Johnson, Senior Director, Data Analytics and Technology, Wunderman Thompson |
| Panel 12 | Scott Cowperthwait, Charter Communications, Vice President, Law-Privacy & Cyber Security |

JOINT PUBLIC HEARING ON LONG ISLAND HOUSING DISCRIMINATION

Committees: Consumer Protection; Housing, Construction and Community Development; and Investigations and Government Operations

Purpose: To examine and identify whether and how potential homebuyers of color suffer illegal and unequal treatment by real estate agents on Long Island.

Witness List

- Panel 1** Arthur Browne, Project Director, Newsday
- Panel 2** Steve Bellone, County Executive, Suffolk County
Laura Curran, County Executive, Nassau County
- Panel 3** Fred Freiberg, Co-Founder, Fair Housing Justice Center
Elaine Gross, President, Erase Racism
- Panel 4** M. Ryan Gorman, President & CEO, Realogy Holding Corp
- Panel 5** Richard Helling, Newsday – Tester
Johnnie Mae Alston, Newsday – Tester
Lenora Smith, Newsday - Tester
- Panel 6** John Viteritti, Certified Instructor, New York State Department of State
Theresa Sanders, President, Urban League Long Island
Lorraine Y. Collins, Director of Public Policy and External Affairs, Enterprise Community Partners, Inc.
- Panel 7** Moses Seuram, President, New York State Association of Realtors
Duncan MacKenzie, Director of Government Affairs, New York State Association of Realtors



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NEW YORK STATE SENATE STANDING COMMITTEE

ON CONSUMER PROTECTION