

## Message from the Chair

Dear Friend,

As another legislative session has come to a close, I write to you with news from the Assembly Committee on Consumer Affairs and Protection from the past six months. This newsletter will update you on important legislation reported by the Committee as well as some useful tips for the summer months.

The 2016 legislative session was a busy one for my colleagues and I as we held multiple hearings and considered a number of bills. Now that our work is done, bills that have been passed by both houses of the Legislature will be sent to the Governor for his consideration. We've provided an update on many of these bills, as well as some others that were priorities for the Committee.

Along with our legislative update, included below are some helpful tips I think you may find useful this summer. I hope you're able to put them to use and they help to make your summer as enjoyable as possible. As the legislative session comes to an end the Committee will look forward to holding hearings on issues facing New York consumers and finding ways to keep making the state a safer place.



Sincerely,

A handwritten signature in black ink that reads "Jeffrey Dinowitz".

Jeffrey Dinowitz  
Chair, Committee on Consumer Affairs and Protection

## Important Contacts

### NYS Department of State Division of Consumer Protection

5 Empire State Plaza  
Suite 2101  
Albany, New York 12223  
1-800-697-1220  
<http://www.dos.ny.gov/consumerprotection/>

*The Division of Consumer Protection provides direct assistance and intervention to resolve marketplace complaints, mitigate the consequences of identity theft and frauds, and advocate for greater consumer rights and remedies under New York State law.*

### NYS Attorney General

The Capitol  
Albany, New York 12224

1-800-771-7755  
[www.ag.ny.gov](http://www.ag.ny.gov)

*The New York State Office of the Attorney General mediates and litigates various cases against businesses and individuals engaged in fraudulent, misleading, deceptive or illegal trade practices. The Office pays special attention to patterns of complaints involving the same company, in addition to new and unique issues. Otherwise, the Attorney General's office will direct consumers to the appropriate agency.*

### Federal Trade Commission

600 Pennsylvania Ave., NW  
Washington, DC 20580  
1-877-382-4357  
[www.ftc.gov](http://www.ftc.gov)

*The Federal Trade Commission's Bureau of Consumer Protection works to prevent fraudulent, deceptive, and unfair business practices by enforcing federal consumer protection laws in order to maintain a balanced marketplace.*

### Consumer Financial Protection Bureau

P.O. Box 4503  
Iowa City, Iowa 52244  
1-855-411-2372

*The Consumer Financial Protection Bureau is the newest federal consumer protection agency to improve the fairness of markets for consumer financial products and services, whether consumers are applying for a mortgage, choosing among credit cards, or using any number of other consumer financial products.*

# LEGISLATIVE HIGHLIGHTS

## **A.1047 (Rosenthal)**

This bill would increase the fines related to the labeling of fur-bearing articles of clothing created by Chapter 611 of the Laws of 2007 (A.8966-A, Rosenthal) which regulates sellers and manufacturers of clothing containing fur and faux fur. It has been found that certain clothing stores selling fur products were not in compliance with the provisions of that chapter. This legislation would help to bring these bad actors into compliance with the current law. This bill passed the Assembly and the Senate this year.

## **A.7610-E (Dinowitz)**

This bill would require the disclosure on a gift certificate of the procedure for replacing a lost gift certificate. In addition, the bill would prohibit the assessment of any dormancy fees until after the twenty fifth month of dormancy on a gift certificate. This bill passed the Assembly and the Senate this year.

## **A.7717-A (Dendekker)**

This bill would authorize active duty military personnel who are deployed out of a service area to cancel utility contracts and certain recurring payments without being assessed a termination fee. This bill passed the Assembly and Senate this year.

## **A.8630-A (Gunther)**

This bill would ban any early termination fee placed on an individual for canceling a service contract with any telephone, cellular telephone, television, internet, energy, or water services company in the event that the person who the service contract belonged to has deceased. It would also set out a maximum civil fine of \$1000 for violations of the section. This bill passed the Assembly and the Senate this year.

## **A.9457-A (Mayer)**

This legislation would define the terms “caller identification information” and “caller identification service” and insert these terms into several sections of law relating to the practices of telemarketers. It would go on to require that all telemarketers and auto-dialing services in the state transmit valid caller identification information over the phone to any consumer who has a caller identification service with the stipulation that the information transmitted is accurate. This bill goes a long way toward protecting consumers from fraudulent telemarketing activity and from scams associated with these actions. This bill passed the Assembly and the Senate this year.

## **A.10081 (Abbate)**

This bill would increase the penalty for automobile brokers found to be in violation of article 35-b of the General Business Law which regulates Automobile Brokers. Raising this penalty will help to deter unscrupulous actors who are taking advantage of consumers who purchase cars through businesses that are not considered typical car dealerships which can lead to deceptive acts against consumers. This bill passed the Assembly and the Senate this year.

## **A.7339-A (Brindisi)**

This bill would curtail the practice of unscrupulous persons posing as legitimate home repair

contractors offering home repair or remodeling services. The bill would add provisions that would regulate contracts between consumers and home improvement contractors. The bill would add a new section to the General Business Law to require a certain amount of insurance coverage for home improvement contractors who work in political subdivisions that do not have existing requirements for insurance coverage. This bill will go a long way towards protecting consumers from being taken advantage of by contractors known as “storm chasers” who take advantage of consumers whose homes are damaged as a result of some type of natural disaster or emergency. This bill passed the Assembly this year.

## **A.9186-B (Paulin)**

This bill attempts to ban the sale of certain unsafe baby crib bumper pads and restrict their use in certain settings including day care facilities. The bill is designed to prevent the deaths and serious injury to infants which have been attributed to the use of certain types of defective crib bumper pads that are known to inadvertently suffocate children. The Office of Children and Family Services will promulgate rules and regulations regarding the enforcement of the ban of crib bumper pads in child care facilities. This bill passed the Assembly this year.

## **A.9544 (Dinowitz)**

This bill would require any contract containing a mandatory arbitration clause in this state to present the arbitration clause in large print to the consumer. This is an attempt to raise awareness of mandatory arbitration clauses to consumers of this state who may not know that they are signing away their right to a fair court proceeding. This bill passed the Assembly this year.

## **A.9545 (Dinowitz)**

This bill would require that when a contract containing a mandatory arbitration clause is presented to a consumer either in person, through the mail, or electronically that the representative of the company supervising the execution of the contract disclose to the consumer that the contract contains a mandatory arbitration clause. The business would also be required to explain to a consumer what a mandatory arbitration clause is in the event that the consumer asks for an explanation. This is an attempt to raise awareness of mandatory arbitration clauses to consumers of this state who may not know that they are signing away their right to a fair court proceeding. This bill passed the Assembly this year.

## **A.9032 (Dinowitz)**

This bill would deem a price change to a consumer by an Energy Service Company (ESCO) to be a material change and require contracts for renewal of ESCO service to disclose certain potential price changes to consumers. It has been found that ESCOs are raising the rates consumers pay for electrical services to a considerably higher rate when the initial contract for services is renewed. This legislation would bring transparency to these rate increases and allow consumers to make more informed decisions when renewing an ESCO contract. This bill was reported to the Assembly floor this year.



*Members of the Consumer Affairs and Protection Committee listened to witness testimony on the impacts of mandatory arbitration on consumers)*

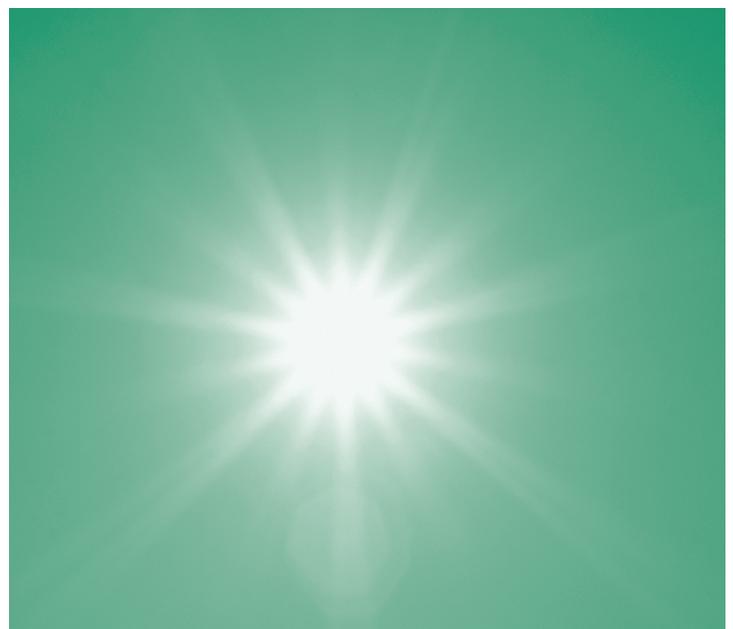
## HEARING ON MANDATORY ARBITRATION

On February 10, 2016, the Committee held a joint public hearing with the Assembly Judiciary Committee to examine the impact of mandatory arbitration on consumers and employees. The hearing solicited testimony from various interest groups in order to ascertain whether mandatory arbitration is stripping New Yorkers of their rights to a fair court proceeding and how the state's laws could be amended to make these proceedings fairer to consumers.

Representatives from the New York State Unified Court System, the Business Council of New York State, the National Consumer Law Center, the Long Term Care Community Coalition (LTCCC), MFY Legal Services, Inc., the National Employment Lawyers Association of New York, Legal Services of New York City, and NYPIRG provided testimony. All of the information provided was used this past session to produce legislation that would be used to protect and inform New Yorkers of their rights with regard to mandatory arbitration proceedings.

## Sun Safety Tips

Summer is here, which means it is time for some fun in the sun. Whether in the park, on the sports field, camping, or at the beach, everybody likes to spend some quality time outdoors. The sun can lift your spirits and provide the body with vitamin D, but prolonged exposure can also have negative side effects. Fortunately, a few simple steps can keep you and your family safe. At least twenty minutes before heading outdoors, apply a broad spectrum, water-resistant sunscreen with an SPF of 30 or higher over all exposed parts of the body. Check to make sure the sunscreen you are using has not expired. Experts recommend that you re-apply sunscreen every two hours and more frequently if you have been swimming or doing an activity that causes you to sweat. If possible, it is best to avoid the sun from 10 a.m. to 4 p.m., when its rays are strongest. Wear clothing that covers your body, including a wide-brimmed hat to protect your head and face, and sunglasses that protect against UV rays. By following these simple sun safety tips, you can spend time outdoors this summer knowing that you and your family are protected from the potentially harmful side effects of sun exposure.



*Experts recommend that you re-apply sunscreen every two hours.*



## Swimming Safety Tips



*Stay close, be alert, and watch children in and around open waters. Never leave children unattended and be sure you are not reading, texting, using a cellphone, or otherwise distracted if you are the designated water watcher.*

On hot summer days, a swim in a pool or another body of water is most refreshing. However, it is important to keep in mind simple swimming safety tips that will ensure you and your family will remain safe while enjoying the cool water:

- Stay close, be alert, and watch children in and around open waters. Never leave children unattended and be sure you are not reading, texting, using a cellphone, or otherwise distracted if you are the designated water watcher.
- To avoid injuries, keep children away from pool drains, pipes, and other openings and have or know where to locate lifesaving equipment such as life rings, floats, or a reaching pole. Make sure these are available and easily accessible.
- Learn how to perform CPR on children and adults and update those skills regularly. Understand the basics of life-saving so that you can assist, if necessary, in a pool or open water emergency.
- Have a first-aid kit handy to treat any injuries.
- Visit [www.poolsafely.gov](http://www.poolsafely.gov) for additional tips relating to pools and spa safety.

2016 Legislative Update from the New York State Assembly

## Committee on Consumer Affairs and Protection

Carl Heastie, Speaker • Jeffrey Dinowitz, Chair

### FARMERS' MARKETS

Farmers' Markets are excellent opportunities for consumers to purchase the freshest, local farm products from local farmers and to interact with friends and neighbors in their community. Most of these farms are small, family-owned businesses, which mean that your regular purchases of fresh fruits, vegetables, and even eggs and milk goes to support communities in various parts of New York. In addition, consumers should be aware that the New York State Women, Infants and Children Program (WIC) and the New York State Farmers' Market Wireless Electronic Benefit Transfer Program (EBT) enables participants enrolled in such programs to buy produce from farmers markets. Locate your nearest farmers market and find out about all that there is to offer.