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Title: A Local Law to amend the administrative code of the city of New York, in relation to creating disclosure requirements related to mobile telephone service.

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Int. No. 457

By Council Members Clarke, Brewer, Comrie, Foster, James, Liu, Martinez, Reed and Stewart

A Local Law to amend the administrative code of the city of New York, in relation to creating disclosure requirements related to mobile telephone service.

Be it enacted by the Council as follows:

§1. Chapter 5 of Title 20 of the administrative code of the city of New York is amended by adding a new subchapter 15 to read as follows:

SUBCHAPTER 15
INFORMATION REGARDING MOBILE TELEPHONE SERVICE

§20-780 Definitions.

§20-781 Required Disclosure.

§20-782 Penalties.

§20-783 Rules.

§20-780 Definitions. 1. For the purposes of this subchapter, the term “mobile telephone service” shall mean any two-way real time voice telecommunications service that is interconnected to a public switched telephone network and is provided by a commercial mobile radio service, as such term is defined by 47 CFR § 20.3, and can be accessed with a cellular, analog, wireless,

digital or other similar telephone or communications device.

2. For the purposes of this subchapter, the term “person” shall mean a natural person, firm, corporation, partnership or other business entity.

§20-781 Required Disclosure. Before entering into a contract for mobile telephone service, any person selling, offering for sale, or otherwise making available such service shall disclose the following information in writing, in at least 14-point type, to each consumer in a language he or she understands in a form that is signed by the consumer before he or she enters into such a contract.

- a. An explanation of all available options of the consumer’s selected service plan, along with the cost of each such option; and
- b. An explanation of all possible vertical increases and decreases of service that are available to the consumer through his or her selected service plan at no additional cost and with no financial penalties; and
- c. An explanation of all currently available sales promotions, their duration and expiration dates, and the discount available to the consumer through each such sale promotion; and
- d. At the bottom of the written disclosure, the clearly stated total monthly price of the consumer’s selected service plan, inclusive of all relevant taxes, fees, and additional charges.

It shall be the obligation of the person selling, offering for sale or otherwise making available mobile phone service to complete the required disclosure form accurately with all relevant information for each consumer.

§ 20-782 Penalties. Any person selling, offering for sale or otherwise making available mobile phone service who violates any provision of this subchapter or any of the regulations promulgated hereunder shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation and for each succeeding violation a civil penalty of not less than five hundred dollars nor more than seven hundred fifty dollars, except that when a natural person violates any provision of this subchapter or any regulations promulgated hereunder while acting as an employee or associate or otherwise on behalf of a firm, corporation, partnership or other business entity, the penalty shall be borne by such firm, corporation, partnership or other business entity. For the purposes of this subchapter, any single failure to provide the full required disclosure accurately shall be considered a violation.

§20-783 Rules. The commissioner shall promulgate any rules and regulations reasonably necessary to effectuate the purposes of this subchapter.

§3. This local law shall take effect 90 days after it is enacted.

