



Legislation Text

File #: Res 0870-2019, **Version:** *

Res. No. 870

Resolution calling upon the United States Congress to pass and the President to sign the TRACED Act, legislation to deter criminal robocall violations and improve enforcement of section 227(b) of the Communications Act of 1934, and the New York State Legislature to pass and the Governor to sign S.3297A/A.675, legislation to limit robocalls to state residents and require telephone service providers to offer free call mitigation technology to telephone customers.

By Council Member Vallone

Whereas, Over 5.2 billion robocalls were placed throughout the United States in March 2019-nearly half of which were scams-including 318.3 million and 175.9 million in New York State and city, respectively, according to YouMail’s Robocall Index; and

Whereas, As of May 2018, 21 Chinese immigrants had lost a total of \$2.5 million to a robocall scheme that targeted people with Chinese last names, as the caller impersonated the Chinese Consulate and demanded money in exchange for a package or to prevent punishment from the consulate office, according to the New York Police Department and former Attorney General Schneiderman’s office; and

Whereas, Robocalls have become increasingly more deceptive in recent years, with callers using local numbers in hopes that it will heighten the chances of a recipient answering, in a scheme known as “neighborhood spoofing”; and

Whereas, A potentially deadly risk can be posed by robocalls, with one New Jersey hand surgeon, Dr. Gary Pess, recalling that he received so many robocalls, which mimicked his area code, that he accidentally ignored an emergency room doctor calling about a person with a severed thumb, costing him precious minutes and stating that “it delayed the treatment of a patient”; and

Whereas, Other jurisdictions have begun taking action to curb robocalls, including Florida, which

passed the Florida Call-Blocking Act of 2018 that authorized telecommunication providers to block certain calls; and

Whereas, New York State previously took steps to curb unsolicited telemarketing calls with the New York State Do Not Call Law of 2001, which allowed consumers to place their phone numbers on a central Do Not Call Registry and prohibited non-exempt telemarketers from making calls to anyone on the registry; and

Whereas, The Federal Trade Commission and the Federal Communications Commission collaborated in 2003 to create a National Do Not Call Registry, but further action is now required by the Federal government and by the state government to protect consumers from robocalls; and

Whereas, The TRACED Act would deter robocalls by imposing forfeiture penalties on parties that commit criminal robocall violations and require voice service providers to implement a call authentication framework; and

Whereas, S.3297A/A.675 would protect consumers by (1) banning unsolicited robocalls, (2) empowering the state attorney general to enforce robocall violations, while also allowing for civil penalties, (3) authorizing New Yorkers to sue robocallers, and (4) requiring telephone providers to offer consumers free technology to block robocalls; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign the TRACED Act, legislation to deter criminal robocall violations and improve enforcement of section 227(b) of the Communications Act of 1934, and the New York State Legislature to pass and the Governor to sign S.3297A/A.675, legislation to limit robocalls to state residents and require telephone service providers to offer free call mitigation technology to telephone customers.

LS #10233 & 10459
5/7/2019 2:18 PM
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