

# STATE OF NEW YORK

2537

2009-2010 Regular Sessions

## IN ASSEMBLY

January 20, 2009

Introduced by M. of A. CALHOUN -- read once and referred to the  
Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to the  
regulation of unsolicited circulars

**The People of the State of New York, represented in Senate and  
Assembly, do enact as follows:**

1 Section 1. Legislative intent. In the interest of further  
eliminating  
2 litter and improving the quality of life for New York residents, and  
of  
3 reducing waste removal and recycling costs to local governments, and  
of  
4 reducing the use of our natural resources, the legislature finds  
that  
5 there is a compelling government interest in regulating the  
distribution  
6 of unwanted handbills and telephone directories.

7 § 2. The general business law is amended by adding a new section  
399-i

8 to read as follows:

9 **§ 399-i. Regulation of unsolicited circulars. 1. The governing body**  
**of**  
10 **any county or city in the state of New York is authorized to**  
**establish,**  
11 **by adoption of a local law, a registry for residents who wish to**  
**refuse**  
12 **the delivery of any handbill, circular or other printed matter of**  
**a**  
13 **commercial or business nature to their residence, including any**  
**tele-**  
14 **phone directory, unless the telephone directory is that published by**  
**the**  
15 **local exchange telephone corporation, or its affiliates, providing**  
**tele-**  
16 **phone service to that person in accordance with the provisions**  
**of**

17 section ninety-one of the public service law. Any city or county  
which  
18 establishes such a registry shall enter the name of the requesting  
resi-  
19 dent in such registry. Such requests shall be made in writing, by  
phone  
20 at a designated number or numbers or by electronic communication at  
an  
21 electronic mail address or website designated by the county or  
city.  
22 Each county or city establishing such a registry shall designate a  
local  
23 government agency to maintain the registry and to be responsible  
for  
24 enforcement of the provisions of this section.

EXPLANATION--Matter in italics (underscored) is new; matter in  
brackets

[-] is old law to be omitted.

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1 2. In order to continue distribution in any county or city  
establish-  
2 ing such a registry, all distributors of such handbills, circulars  
or  
3 other like printed matter shall provide the local government  
agency  
4 designated by that county or city with accurate contact  
information,  
5 including an address and phone number. Failure to provide  
accurate  
6 contact information or discontinue distribution shall constitute  
a  
7 violation of the provisions of this section and shall subject the  
viola-  
8 tor to fines as provided in subdivision three of this section. If  
the  
9 distributor in violation cannot be located, the company or  
companies  
10 doing the advertising will be subject to the same fines. Every six  
weeks  
11 the local government agency designated by that county or city  
shall  
12 provide distributors with an updated list of all residents who do  
not  
13 want distribution. Distributors then have six weeks to update  
their  
14 lists and discontinue distribution.  
15 3. Violators of the provisions of this section shall be subject to  
a  
16 civil penalty of not less than one hundred dollars and not more than  
two  
17 hundred fifty dollars for a first violation. The civil penalty shall  
be

18 not less than two hundred fifty dollars and not more than five  
hundred  
19 dollars for a second violation and each violation thereafter.  
20 4. If any clause, sentence or provision of this section shall be  
held  
21 to be unconstitutional by a court of competent jurisdiction, the  
remain-  
22 der of this section shall not be affected thereby.  
23 § 3. This act shall take effect immediately.