

Message from the Chair



Dear Friend,

On behalf of the New York State Assembly Committee on Consumer Affairs and Protection, I am pleased to report to you with an update of the Committee's work over the last few months. Included in this newsletter you'll read about a recent hearing held by the Committee as well as some updates on legislation passed during the 2015 session.

As fall turns to winter we will begin to prepare for the 2016 legislative session. Any legislation that did not pass both houses of the legislature will be reconsidered and worked on in order to try to insure that they have an opportunity to become law. Bills that did pass both houses have begun to be sent to the Governor for his consideration. We have included a legislative update on some of

the Committee's highlighted bills from 2015.

In addition to the legislative updates, you will also find some information about how to keep yourself and your loved ones safe this time of year. The holiday season should be a happy time but unfortunately many try to use it to take advantage of others. I hope the information included in this newsletter will help you have a wonderful holiday season and a happy New Year.

Our focus will now shift back to Albany in the coming weeks as the New Year arrives and with it a new session. My colleagues and I will continue to work to keep New York a place where consumers are protected and will keep their interests in mind as we formulate new ideas. I wish you a happy and healthy holiday and New Year.

Sincerely,

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

Jeffrey Dinowitz

Chairman, 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

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

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 Avenue, NW
Washington, DC 20580

1-877-382-4357

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.

National Do-Not-Call Registry

To register, call: 1-888-382-1222
or visit: www.donotcall.gov

Consumer Financial Protection Bureau

P.O. Box 4503

Iowa City, Iowa 52244

1-855-411-2372

www.consumerfinance.gov

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

Sugar Sweetened Beverages A.2320-B (Dinowitz)

The prevalence of obesity in the United States and in New York State has increased dramatically over the past 30 years. While there is certainly more than one cause for this increase, many people believe that sugar-sweetened beverages are a unique contributor to excess caloric consumption. The effects of obesity are of particular concern because obesity is associated with health ailments such as diabetes, heart disease, osteoarthritis, high blood pressure, and certain types of cancer. Medical costs are also a growing concern; each year, obesity-related ailments account for \$147 billion in health care costs nationally.

This bill would establish requirements that specific warnings be placed on sugar sweetened beverages before they are sold which explain the health risks that are associated with these types of beverages. The bill also requires retailers with sugar sweetened beverage dispensing machines to post the warning on the dispensing machine or on any menu which promotes the sale of these beverages in certain cases. The bill also establishes penalties for failure to comply with this potential legislation. (Reported to the Assembly Codes Committee)

Publicly Accessible Collection Bins A.5317-B (Braunstein)

There have been issues with the placement and management of collection bins, primarily in the City of New York. A growing number of companies, many of them based in New Jersey, are illegally placing used-clothing bins throughout New York City. These bins block sidewalks and serve as magnets for litter and graffiti in many cases. The receptacles typically have signs that indicate donated goods will go to the poor or, in some cases, to legitimate charities. However, city officials have found that the needy do not benefit from much of what is collected and the bins are in many cases a public nuisance.

This bill would strengthen the existing regulations regarding the placement, maintenance, disposal and management of these collection bins. The bill would prohibit publicly accessible collection bins from being placed on public property and authorize municipalities to remove such bins immediately. The bill would also require new information to be disclosed on bins pertaining to the charitable causes and bin ownership. Owners of publicly accessible bins would also have to adhere to stricter regulations concerning the maintenance and security of the collection bins. Finally the bill would regulate penalties for violations of the legislation. (Passed Both Houses) Has not been signed by the Governor as of 11-4.

Legislative Summary



Chairman Dinowitz with Assemblywoman Linda Rosenthal, the prime sponsor of A.617-A, at a rally with advocates supporting the legislation.

A.617-A (Rosenthal) - This bill would require any food for human consumption, seed, or seed stock offered for retail sale in New York that is produced entirely or partially through genetic engineering to be labeled with the words "Produced with Genetic Engineering" or a similar phrase. Certain foods would be exempt from this labeling process. The legislation would also set out penalties for violating the proposed legislation. (Reported to the Assembly Codes Committee)

A.326 (Rozić) – This bill would require wireless telephone service companies to allow a person under a shared phone plan contract to opt-out of such plan, without charge, if such person is a victim of domestic violence and the perpetrator of the crime is under the same shared phone plan contract. (Passed the Assembly)

A.1903 (Dinowitz) - This bill would prohibit any supplier of gas or electric service, or any person, firm or corporation, acting as such supplier's agent or representative,

Consumer Tips for the Holiday Season

The holiday season is here once again, and that means shoppers will fill the stores, fireplaces and festive lights will be lit, and heating systems will be turned up to guard against cold winter nights. While you go about your holiday activities, keep the following tips in mind so that you and your loved ones may enjoy a safe and warm holiday season.

Toy Shopping Tips

Before heading out to the stores, it is a good idea to familiarize yourself with the latest toy recalls by visiting the Consumer Product Safety Commission's (CPSC) product recall site at: <http://www.recalls.gov/> or by calling 1-800-638-CPSC. Once at the store, be sure to purchase toys that are appropriate for the age of the child (most manufacturers include age guidelines on packages), and be aware of the top five toy hazards identified by the CPSC, namely scooters and other riding toys, small balls and other toys with small parts, balloons, magnets and toys with chargers and adapters. Also, be sure to discard any plastic wrappings from toys before they become dangerous playthings. Lastly, when shopping for infants and toddlers, avoid toys with removable parts or cords.

Holiday Safety

During the holiday season, a crackling fire, decorative candles, and illuminated decorations can bring a festive mood to any household. However, these seasonal amenities can pose a fire hazard. Fortunately, there are steps you can take to protect your family. If you plan to use your fireplace or woodstove or burn candles in the coming weeks, keep the following safety tips in mind. Be sure to have your chimney inspected and cleaned by a certified specialist annually. Always keep the area around your fireplace, woodstove, or candles free of flammable materials, and never leave a fire unattended. Only use holiday lights that have been tested for safety by a nationally-recognized testing laboratory, and make sure that any lights used outside are certified for outdoor use. Check holiday lights for damaged wires and avoid using more than three sets of lights per extension cord. Lastly, make sure to keep live holiday trees watered and place the tree away from fireplaces, vents, and radiators.

Winterize Your Home

Home heating season is upon us, and homeowners are looking for ways to reduce their heating costs. There are steps you can take to winterize your home that can save money and increase your personal comfort. First, consider having your furnace checked by a professional to ensure that it is working efficiently. Be sure to replace the furnace filter regularly and according to the manual, and consider installing a programmable thermostat that allows you to regulate the temperature of your house when you are not home. Lastly, consider caulking and weatherstripping doors and windows, which can help lower your bill by trapping heat in your home and keeping cold winter drafts at bay.

Heat Regulations for Tenants

By law, tenants in a multiple dwelling or multiple residence (i.e., a building with three or more apartments) must be provided with heat and hot water as follows:

- **Heat:** From October 1 through May 31 – Between 6 a.m. and 10 p.m. heat must register 68 degrees Fahrenheit when the outside temperature falls below 55 degrees Fahrenheit. Between 10 p.m. and 6 a.m., heat must register 55 degrees Fahrenheit when the outside temperature falls below 40 degrees Fahrenheit.
- **Hot Water:** 24 hours a day – every day of the year. Hot water must register at or above a constant temperature of 120 degrees Fahrenheit at the tap.

The NYS Division of Housing and Community Renewal (DHCR) is authorized to reduce the rent of any rent-stabilized or rent-controlled apartment when these required heat and hot water services are not maintained. Tenants should file an Application for Rent Reduction for Failure to Provide and Maintain Heat and/or Hot Water Service with the DHCR if the landlord does not provide proper heat or hot water. This form is available for you at my office.

from making or directing any change in a supplier of gas or electric service, on behalf of a customer, unless such supplier, agent, or representative complies with the requirements to authorize and verify such change. This bill would also outline the procedures and penalties for violating this legislation. (Passed the Assembly)

A.2608 (Dinowitz) - This bill would prohibit any on-premises oil changing operations that provide a consumer with a decal, sticker, or other similar indicator of a motor vehicle's mileage from including any mileage other than the vehicle's actual mileage on the odometer at the time of the oil change. The bill would also require service stations to post a conspicuous sign stating: "Oil changes every 3,000 miles do not necessarily result in better vehicle performance or longer engine life. Refer to your manufacturer's recommended maintenance schedule for oil change guidance." (Reported to the Assembly Codes Committee)

A.4615 (Mayer) – This bill would prohibit a business from altering its caller identification with the intent to defraud or harass the recipient of the call or a third party and would authorize the Attorney General or any person adversely affected by a violation to bring an action against a violator. In actions brought by the Attorney General, the court would be able to require restitution to any victim upon a showing of damages. Private individuals would be able to recover the greater of actual damages or an amount of not more than \$500 per call up to a total of \$25,000 within a continuous 72-hour period. (Passed the Assembly)

A.5232-A (Abinanti) - This bill would prohibit food service establishments, food service vendors, or mobile food service establishments from using polystyrene disposable food service containers for the packaging of food or drink to be taken by patrons and establish penalties for failing to comply with this legislation. (Reported to the Assembly Codes Committee)

Budget Hearing on Senior Citizen Fraud Protection

On October 21, 2015, the Committee held a public hearing to examine the impact of fraud and scams on consumers, including senior citizens. The hearing solicited testimony from various agencies and tried to ascertain whether the Department of State's budget is sufficient to deal with consumer frauds. This hearing reviewed the utilization of existing resources, and whether additional resources or legislative solutions are required to assist consumers.

Representatives from the New York State Office of the Attorney General, the New York State Office of Children and Family Services- Adult Protective Unit, the New York City Department for the Aging, the New York City Department of Consumer Affairs, AARP, and the Coalition of NYS Alzheimer's Association Chapters provided testimony. All of this information will be useful in the upcoming session as the



Chairman Dinowitz with Assembly Aging Committee Chairman Steven Cymbrowitz and Rebecca Seawright, Chairwoman of the Subcommittee on Consumer Fraud Protection, listening to witness testimony at a recent hearing.

Assembly will consider how to best protect consumers, including the elderly of New York State from various consumer fraud issues.

2015 Legislative Update from the New York State Assembly

Committee on Consumer Affairs and Protection

Carl E. Heastie, Speaker • Jeffrey Dinowitz, Chair

To update or remove your name from the committee mailing list, email committeemailinglist@assembly.state.ny.us. Please include the committee name in the subject line. Please provide the name and address as it appears on the mailing label and any changes you would like made.

Committee on Consumer Affairs and Protection

Assemblyman Jeffrey Dinowitz, Chair