

1420--B

Cal. No. 442

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. MONTGOMERY, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general business law, in relation to the personal information of a credit or debit card holder

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 3 of section 520-a of the general business law,
2 as amended by chapter 233 of the laws of 2007, is amended to read as
3 follows:
4 3. No person, firm, partnership or corporation which accepts credit or
5 debit cards for the transaction of business shall require the credit or
6 debit card holder to write OR ELECTRONICALLY ENTER on the credit or
7 debit card transaction form, nor shall it write [or], cause to be writ-
8 ten, OR ELECTRONICALLY ENTERED on such form or on any attachment there-
9 to, any personal identification information, including but not limited
10 to the credit or debit card holder's address [or], ZIP CODE, EMAIL
11 ADDRESS OR telephone [number] NUMBERS, INCLUDING HOME, CELL AND WORK
12 TELEPHONE NUMBERS, that is not required by the credit or debit card
13 issuer to complete the credit or debit card transaction; provided,
14 however, that the credit or debit card holder's address, ZIP CODE and
15 telephone number may be required [on such form or attachment thereto]
16 where (i) such information is necessary for shipping, delivery or
17 installation of purchased merchandise or for special orders; [or] (ii)
18 the person, firm, partnership or corporation processes credit or debit
19 card transactions by mailing transaction forms to a designated bankcard

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 center for settlement; OR (III) SUCH INFORMATION IS USED SOLELY FOR THE
2 DETECTION, INVESTIGATION OR PREVENTION OF FRAUD, THEFT, IDENTITY THEFT,
3 CRIMINAL ACTIVITY OR ENFORCEMENT OF TERMS OF SALE. NOTHING IN THIS
4 SUBDIVISION SHALL PREVENT A PERSON, FIRM OR CORPORATION WHICH ACCEPTS
5 CREDIT CARDS OR DEBIT CARDS FROM REQUESTING THAT A CUSTOMER VOLUNTARILY
6 PROVIDE PERSONAL IDENTIFICATION WHERE THE USE OF SUCH INFORMATION IS
7 DISCLOSED TO SUCH CONSUMER.

8 S 2. This act shall take effect on the ninetieth day after it shall
9 have become a law.