

STATE OF NEW YORK

2672--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

Introduced by M. of A. PAULIN, DINOWITZ -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring sellers to clearly post the price of a credit card surcharge

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

1 Section 1. Section 518 of the general business law, as added by chapter 160 of the laws of 1984, is amended to read as follows:

2 § 518. 1. Credit card surcharge prohibited. No seller in any sales
3 transaction may impose a surcharge on a holder who elects to use a credit
4 card in lieu of payment by cash, check, or similar means unless such
5 seller clearly posts the credit card price, inclusive of such surcharge,
6 so customers are exposed to the highest tagged or posted price. The
7 final sales price of any such sales transaction, inclusive of such
8 surcharge, shall not amount to a price greater than the posted price for
9 such sales transaction. Nothing in this subdivision shall be deemed to
10 prohibit merchants from offering a two-tier pricing system. For the
11 purposes of this section, "two-tier pricing system" shall mean the
12 tagging or posting of two different prices in which the credit card
13 price, inclusive of any surcharge, is posted alongside the cash price.

14 2. Any seller who violates the provisions of this section shall be
15 guilty of a misdemeanor punishable by a fine not to exceed five hundred
16 dollars or a term of imprisonment up to one year, or both. The
17 provisions of this subdivision may be enforced concurrently by the
18 director or commissioner of a municipal consumer affairs office, or by
19 the town attorney, city corporation counsel, or other lawful designee of
20 a municipality or local government, and all moneys collected thereunder
21 shall be retained by such municipality or local government.

22 § 2. This act shall take effect immediately.
23

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

LBD02683-04-3