S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

March 2, 2009

Introduced by M. of A. TOWNS, ERRIGO, ALFANO, RAIA, COLTON -- Multi-Sponsored by -- M. of A. BRENNAN, ESPAILLAT, FARRELL, GORDON, JOHN, PEOPLES, PHEFFER, WALKER -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to unlawful debit card surcharges by certain retailers

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

Section 1. The general business law is amended by adding a new section 395-c to read as follows:

S 395-C. UNLAWFUL DEBIT CARD SURCHARGES. 1. AS USED IN THIS SECTION, THE TERM "RETAILER" SHALL MEAN THE OWNER OR OWNERS, OR AGENT OR EMPLOYEE THEREOF, OF ANY RETAIL FOOD STORE OR ANY ESTABLISHMENT ENGAGED IN THE RETAIL SALE OF GROCERY PRODUCTS, INCLUDING FOOD, FOOD PRODUCTS, BEVERAGES, PREPACKAGED FOODS AND NON-FOOD PRODUCTS SUCH AS PAPER PRODUCTS, SOAP AND DETERGENT.

2. NO RETAILER IN ANY SALES TRANSACTION SHALL IMPOSE ANY SERVICE CHARGE OR ANY OTHER FORM OF SURCHARGE TO A PERSON WHO ELECTS TO USE A DEBIT CARD OR OTHER BANKING OR PURCHASING CARD IN LIEU OF PAYMENT BY CASH, CHECK OR SIMILAR MEANS.

S 2. This act shall take effect immediately.

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

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