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

919

2009-2010 Regular Sessions

I N S E N A T E

January 21, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to posting of prices of specials and posting notice of credit card limitations in restaurants

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 399-mm to read as follows:

S 399-MM. RESTAURANTS; NOTICE OF SPECIALS AND CREDIT CARD LIMITATIONS. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) "RESTAURANT" SHALL MEAN A PLACE WHICH IS OPEN TO THE PUBLIC IN WHICH THE BUSINESS IS THE SALE OF FOOD FOR ON-PREMISES CONSUMPTION AND WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, CAFETERIAS, COFFEE SHOPS, DINERS, SANDWICH SHOPS, SHORT ORDER CAFES AND FAST-FOOD ESTABLISHMENTS.

(B) "SPECIALS" SHALL MEAN ANY FOOD ITEMS, OTHER THAN BEVERAGES, WHICH ARE OFFERED FOR SALE BY A RESTAURANT AND WHICH ARE NOT LISTED ON THE MENU ALONG WITH THEIR PRICES.

2. WHENEVER A RESTAURANT SHALL OFFER SPECIALS FOR SALE, IT SHALL CONSPICUOUSLY POST A NOTICE OF THE SPECIALS THAT ARE AVAILABLE AND THE PRICE OF EACH OF THE SPECIALS. SUCH NOTICE SHALL BE DISPLAYED IN A MANNER AND LOCATION AS TO INFORM ALL CUSTOMERS OF SUCH SPECIALS. ANY RESTAURANT WHICH VIOLATES THE PROVISIONS OF THIS SUBDIVISION SHALL BE SUBJECT TO A CIVIL FINE OF ONE HUNDRED DOLLARS AND A SUBSEQUENT VIOLATION OCCURRING WITHIN TWELVE MONTHS OF THE FIRST VIOLATION SHALL SUBJECT THE RESTAURANT TO A CIVIL FINE OF TWO HUNDRED FIFTY DOLLARS.

3. IN ADDITION TO THE NOTICE REQUIRED BY SUBDIVISION TWO OF THIS SECTION, WHENEVER A RESTAURANT SHALL OFFER SPECIALS FOR SALE, IT SHALL PRINT A NOTICE ON THE MENU ADVISING CUSTOMERS TO ASK THEIR WAITER OR WAITRESS OF THE PRICE OF SUCH SPECIALS, AND WHENEVER A WAITER OR

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

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WAITRESS IS ASKED ABOUT THE AVAILABILITY OF SPECIALS, SUCH WAITER OR WAITRESS SHALL QUOTE THE PRICE OF EACH SPECIAL.

4. WHENEVER A RESTAURANT SHALL IMPOSE MINIMUM DOLLAR LIMITATIONS ON THE USE OF CREDIT CARDS AS A METHOD OF PAYMENT, IT SHALL CONSPICUOUSLY POST A NOTICE OF SUCH LIMITATIONS AT THE POINT OF SALE AND SUCH NOTICE SHALL ALSO BE CONSPICUOUSLY PRINTED ON ALL MENUS IN SUCH RESTAURANT.

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