

1215

2011-2012 Regular Sessions

I N   S E N A T E

January 6, 2011

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Introduced by Sen. STAVISKY -- 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 creating a forty-eight hour grace period from the due date of a credit card bill

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

1     Section 1. The general business law is amended by adding a new section  
2     515-a to read as follows:  
3     S 515-A. GRACE PERIOD FOR FEES AND CHARGES. 1. ISSUERS OF CREDIT CARDS  
4     SHALL NOT IMPOSE OR MODIFY ANY CHARGES RELATED TO THE ANNUAL PERCENTAGE  
5     RATE, FEES FOR ISSUANCE OF AVAILABILITY, MINIMUM FINANCE CHARGES, TRANS-  
6     ACTION CHARGES, CASH ADVANCE FEES, RENEWAL FEES, OVER-THE-LIMIT FEES, OR  
7     ANY OTHER FEE OR RATE RELATED TO USE OF A CREDIT CARD FOR A PERIOD OF  
8     FORTY-EIGHT HOURS FROM THE DUE DATE OF A CREDIT CARD BILL FOR ALL NEW OR  
9     RENEWED CREDIT CARD ACCOUNTS CREATED ON OR AFTER THE EFFECTIVE DATE OF  
10    THIS SECTION.  
11    2. (A) EVERY VIOLATION OF THIS SECTION SHALL BE DEEMED A DECEPTIVE ACT  
12    AND PRACTICE SUBJECT TO ENFORCEMENT UNDER ARTICLE TWENTY-TWO-A OF THIS  
13    CHAPTER. IN EVERY CASE WHERE THE COURT SHALL DETERMINE THAT A VIOLATION  
14    OF THIS SECTION HAS OCCURRED, IT MAY IMPOSE A CIVIL PENALTY OF NOT MORE  
15    THAN ONE THOUSAND DOLLARS FOR SUCH VIOLATION, AND MAY IMPOSE A CIVIL  
16    PENALTY OF NOT MORE THAN TWO THOUSAND DOLLARS FOR EACH SUBSEQUENT  
17    VIOLATION.  
18    (B) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT ANY RIGHT  
19    WHICH ANY PERSON MAY HAVE UNDER ANY OTHER STATUTE OR THE COMMON LAW.  
20    S 2. This act shall take effect on the first of January next succeed-  
21    ing the date on which it shall have become a law.

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

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