

370--B

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. DINOWITZ, ROSENTHAL, JAFFEE, JACOBS, WEISENBERG, COLTON, GIBSON, ROBERTS, MOYA, MONTESANO, GALEF, ZEBROWSKI, ESPINAL, COOK, RAMOS, WEPRIN -- Multi-Sponsored by -- M. of A. BOYLAND, BRAUNSTEIN, BRENNAN, CERETTO, ORTIZ, TITONE, WRIGHT -- 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 -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to prohibiting fee charges for payment of an account regardless of the method of payment

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

1 Section 1. Subdivision 1 of section 399-zzz of the general business
2 law, as added by chapter 556 of the laws of 2010, is amended to read as
3 follows:
4 1. (A) Subject to federal law and regulation, no person, partnership,
5 corporation, association or other business entity shall charge a consum-
6 er an additional rate or fee or a differential in the rate or fee asso-
7 ciated with payment on an account:
8 (I) when the consumer chooses to [pay by United States mail or]
9 receive a paper billing statement; OR
10 (II) WHETHER SUCH PAYMENT IS MADE BY MAIL, ELECTRONIC TRANSFER, A LIVE
11 CUSTOMER SERVICE REPRESENTATIVE, TELEPHONE AUTHORIZATION BY MEANS OF A
12 VOICE RESPONSE UNIT OR INTERACTIVE VOICE RESPONSE SYSTEM, OTHER MEANS OR
13 A COMBINATION THEREOF, UNLESS SUCH PAYMENT IS EXPEDITED BY SUCH PERSON,
14 PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER BUSINESS ENTITY TO CREDIT
15 SUCH PAYMENT THE SAME DAY OR, IF THE PAYMENT IS RECEIVED AFTER ANY
16 ESTABLISHED CUT-OFF TIME, THE NEXT BUSINESS DAY. FOR THE PURPOSES OF

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

LBD03106-04-3

1 THIS SUBPARAGRAPH, "EXPEDITED" MEANS A RUSH PAYMENT METHOD OUTSIDE THE
2 NORMAL AND USUAL COURSE OF BUSINESS.

3 (B) This subdivision shall not be construed to prohibit a person,
4 partnership, corporation, association or other business entity from
5 offering consumers a credit or other incentive to elect a specific
6 payment or billing option.

7 S 2. This act shall take effect on the first of January next succeed-
8 ing the date on which it shall have become a law.