STATE OF NEW YORK

9755

IN ASSEMBLY

February 5, 2018

Introduced by M. of A. D. ROSENTHAL -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to prohibiting certain surcharges on credit or debit card transactions

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

Section 1. Subdivision 3 of section 11-105 of the administrative code of the city of New York, as amended by chapter 309 of the laws of 1996, is amended and a new subdivision 4 is added to read as follows:

3. Notwithstanding any other provision of law to the contrary **except for subdivision four of this section**, any agency or department of the city which, pursuant to an agreement entered into under this section, accepts credit cards as a means of payment of fines, civil penalties, taxes, fees, rent, rates, charges or other amounts owed by a person to the city shall be authorized to charge and collect from any person offering a credit card as a means of payment of a fine a reasonable and uniform fee as a condition of accepting such credit card in payment of a [~~fine, civil penalty,~~] tax, [~~fee,~~] rent, rate, charge or other amount. Such fee shall not exceed the cost incurred by the agency or department in connection with such credit card transaction, which cost shall include any fee payable by the city to the financing agency.

4. Notwithstanding any law to the contrary, no agency or department of the city, or any tribunal located therein, shall be authorized to impose a surcharge on a holder who elects to use a credit or debit card in lieu of payment by cash, check, or similar means to pay any fine, civil penalty, or fee owed. For the purposes of this subdivision, the following definitions shall apply:

a. "Holder" means a person to whom such a credit card or debit card is issued or who has agreed with the issuer to pay obligations arising from the use of a credit card or debit card issued to another person.

b. "Person" includes an individual, corporation, partnership or association, two or more persons having a joint or common interest or any other legal or commercial entity.

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

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c. "Issuer" means a person who issues a credit card or a debit card.

d. "Credit card" means and includes any credit card, credit plate, charge plate, courtesy card, or other identification card or device issued by a person to another person which may be used to obtain a cash advance or a loan or credit or to purchase or lease property or services on the credit of the issuer or of the holder.

e. "Debit card" means a card, plate or other similar device issued a person to another person which may be used, without a personal identification number, code or similar identification number, code or similar identification, to purchase or lease property or services. The term does not include a credit card or a check, draft or similar instrument.

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