

# STATE OF NEW YORK

5229

2017-2018 Regular Sessions

## IN ASSEMBLY

February 7, 2017

Introduced by M. of A. DINOWITZ, ROSENTHAL, JAFFEE, COLTON, MOYA, GALEF, ZEBROWSKI, COOK, RAMOS, WEPRIN, MONTESANO -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, ORTIZ, TITONE, WRIGHT -- read once and referred to the Committee on Consumer Affairs and Protection

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:

Section 1. Subdivision 1 of section 399-zzz of the general business law, as added by chapter 556 of the laws of 2010, is amended to read as follows:

1. (a) Subject to federal law and regulation, no person, partnership, corporation, association or other business entity shall charge a consumer an additional rate or fee or a differential in the rate or fee associated with payment on an account:

(i) when the consumer chooses to ~~[pay by United States mail or]~~ receive a paper billing statement; or

(ii) whether such payment is made by mail, electronic transfer, a live customer service representative, telephone authorization by means of a voice response unit or interactive voice response system, other means or a combination thereof, unless such payment is expedited by such person, partnership, corporation, association or other business entity to credit such payment the same day or, if the payment is received after any established cut-off time, the next business day. For the purposes of this subparagraph, "expedited" means a rush payment method outside the normal and usual course of business.

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

§ 2. This act shall take effect on the first of January next succeeding 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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