

STATE OF NEW YORK

5243

2017-2018 Regular Sessions

IN ASSEMBLY

February 7, 2017

Introduced by M. of A. DINOWITZ, OTIS, STECK, COLTON, HOOPER, ARROYO, STIRPE, GALEF, JOYNER, JENNE, ROSENTHAL, SEAWRIGHT -- Multi-Sponsored by -- M. of A. COOK, PEOPLES-STOKES, PERRY -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to the personal information of a credit or debit card holder

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

1 Section 1. Subdivision 3 of section 520-a of the general business law,
2 as amended by chapter 233 of the laws of 2007, is amended to read as
3 follows:

4 3. No person, firm, partnership or corporation which accepts credit or
5 debit cards for the transaction of business shall require the credit or
6 debit card holder to write or electronically enter on the credit or
7 debit card transaction form, nor shall it write [~~or~~], cause to be writ-
8 ten, or electronically entered on such form or on any attachment there-
9 to, any personal identification information, including but not limited
10 to the credit or debit card holder's address [~~or~~], zip code, email
11 address or telephone [~~number~~] numbers, including home, cell and work
12 telephone numbers, that is not required by the credit or debit card
13 issuer to complete the credit or debit card transaction; provided,
14 however, that the credit or debit card holder's address, zip code and
15 telephone number may be required [~~on such form or attachment thereto~~]
16 where (i) such information is necessary for shipping, delivery or
17 installation of purchased merchandise or for special orders; [~~or~~] (ii)
18 the person, firm, partnership or corporation processes credit or debit
19 card transactions by mailing transaction forms to a designated bankcard
20 center for settlement; or (iii) such information is used solely for the
21 detection, investigation or prevention of fraud, theft, identity theft,
22 criminal activity or enforcement of terms of sale. Nothing in this
23 subdivision shall prevent a person, firm or corporation which accepts

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

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1 credit cards or debit cards from requesting that a customer voluntarily
2 provide personal identification where the use of such information is
3 disclosed to such consumer.

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