STATE OF NEW YORK

2398

2019-2020 Regular Sessions

IN SENATE

January 24, 2019

Introduced by Sen. COMRIE -- 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 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:

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

3. No person, firm, partnership or corporation which accepts credit or debit cards for the transaction of business shall require the credit or debit card holder to write **or electronically enter** on the credit or debit card transaction form, nor shall it write [~~or~~], cause to be written**, or electronically entered** on such form or on any attachment thereto, any personal identification information, including but not limited to the credit or debit card holder's address [~~or~~]**, zip code, email address or** telephone [~~number~~] **numbers, including home, cell and work telephone numbers**, that is not required by the credit or debit card issuer to complete the credit or debit card transaction; provided, however, that the credit or debit card holder's address**, zip code** and telephone number may be required [~~on such form or attachment thereto~~] where (i) such information is necessary for shipping, delivery or installation of purchased merchandise or for special orders; [~~or~~] (ii) the person, firm, partnership or corporation processes credit or debit card transactions by mailing transaction forms to a designated bankcard center for settlement**; or (iii) such information is used solely for the detection, investigation or prevention of fraud, theft, identity theft, criminal activity or enforcement of terms of sale. Nothing in this subdivision shall prevent a person, firm or corporation which accepts credit cards or debit cards from requesting that a customer voluntarily**

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

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provide personal identification where the use of such information is disclosed to such consumer.

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