STATE OF NEW YORK

1394

2021-2022 Regular Sessions

IN SENATE

January 11, 2021

Introduced by Sen. BROOKS -- 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 requiring sellers to conspicuously post any credit card surcharges

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

Section 1. Section 518 of the general business law, as added by chapter 160 of the laws of 1984, is amended to read as follows:

§ 518. Credit card surcharge prohibited. **1.** No seller in any sales transaction may impose a surcharge on a holder who elects to use a credit card in lieu of payment by cash, check, or similar means. **The regular price of any product shall be conspicuously posted.**

2. For the purposes of this section the following terms shall have the following meanings:

(a) "Discount" shall mean a reduction made from the regular price.

(b) "Surcharge" shall mean any means of increasing the regular price to a cardholder which is not imposed upon customers paying by cash, check, or similar means.

(c) "Regular price" shall mean the tag or posted price charged for the property or service if a single price is tagged or posted, or the price charged for the property or service when payment is made by use of a credit card if either: (i) no price is tagged or posted; or (ii) two tags or prices are posted, one of which is charged when payment is made by use of a credit card and the other when payment is made by use of cash, check, or similar means.

3. Any seller who violates the provisions of this section shall be guilty of a misdemeanor punishable by a fine not to exceed [~~five hundred~~] **one thousand** dollars or a term of imprisonment up to one year, or both.

§ 2. This act shall take effect immediately.

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

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