STATE OF NEW YORK

314

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to credit card surcharge or fee notice requirements; and to repeal section 518 of such law relating thereto

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 Section 518 of the general business law is REPEALED and a new section 518 is added to read as follows:

§ 518. Credit card surcharge; notice requirements. No person, firm, partnership, association or corporation who is engaged in a sales transaction may impose a surcharge or fee for use of a credit card as payment for the sale of goods or services unless such seller complies with the following requirements:

1. Displayed prices, including but not limited to advertisements, shall include two prices, one of which is the price charged to consumers using a credit card and the other is the price charged to consumers using an accepted form of payment other than a credit card.

2. A notice shall be posted that explains the imposition of the surcharge or fee, the amount of the surcharge and which credit cards are subject to the surcharge or fee. Such notice shall be legible and posted at the point of entry and the point of sale. If the sale of goods or services is processed through a website, the seller must post such notice on the home page and the point of sale webpage. If the sale of goods or services is processed over the phone, such notice including all required information shall be verbally disclosed to the customer. The notice required by this section shall be prominently and conspicuously posted at the required locations in a minimum size sixteen font.

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

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3. No surcharge or fee shall exceed four percent of the total transaction or the actual amount to be charged to the seller to process the credit card transaction, whichever is less.

4. No seller shall impose a surcharge or fee for the use of a debit card.

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