STATE OF NEW YORK

4023--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 9, 2023

Introduced by M. of A. ROZIC, GONZALEZ-ROJAS, ANDERSON, MITAYNES, SEAWRIGHT, SHIMSKY, GUNTHER, SIMON, AUBRY, MIKULIN, CHANG, BROOK-KRASNY, McDONOUGH, GRAY -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring a notice to be posted regarding skimming

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

Section 1. The general business law is amended by adding a new section 390-e to read as follows:

§ 390-e. Skimming awareness notice. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "electronic benefit transfer card" means any medical assistance card, food stamp assistance card, public assistance card, or any other identification, authorization card or electronic access device issued by the state or a social services district as defined in subdivision seven of section two of the social services law which entitles a person to obtain public assistance benefits under a local, state or federal program administered by the state, its political subdivisions or social services districts; and

(b) "skimming" shall be defined as obtaining a consumer's personal identifying information as defined in subdivision one of section 190.77 of the penal law through the use of a skimmer device as defined in subdivision two of section 190.85 of the penal law.

2. Notwithstanding any other law to the contrary, every person, firm, partnership, association or corporation who is engaged in a sales transaction and accepts electronic benefit transfer cards shall place a sign at the point of sale containing a notice regarding skimming. Such sign shall include steps customers can take to protect themselves from skimming and an appropriate contact number as determined by the secretary of

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

LBD05962-02-3

state to report incidences of suspected skimming. The secretary of state shall make available on the department of state's website, a model sign that such establishments may use to comply with the provisions of this section.

3. (a) Any person, firm, partnership, association or corporation who fails to comply with the requirements of this section shall be issued a warning and provided with information on compliance with this section. For each additional violation for failure to comply, such person or entity shall be assessed a civil penalty not to exceed two hundred fifty dollars per point of sale which lacks the notice required pursuant to subdivision two of this section.

(b) If the notice required pursuant to subdivision two of this section has been provided and such notice is subsequently removed, damaged, or altered by any person other than the person or entities required to provide such notice, such person or entities shall have no liability for a failure to comply with subdivision two of this section as long as such notice is replaced within ten business days from such person or entities becoming aware of the defect.

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