

STATE OF NEW YORK

6088

2023-2024 Regular Sessions

IN SENATE

March 28, 2023

Introduced by Sen. LIU -- 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 a notice to be posted regarding skimming

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

1 Section 1. The general business law is amended by adding a new section
2 390-e to read as follows:

3 § 390-e. Skimming awareness notice. 1. For the purposes of this
4 section, the following terms shall have the following meanings:

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

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

17 2. Notwithstanding any other law to the contrary, every person, firm,
18 partnership, association or corporation who is engaged in a sales trans-
19 action and accepts electronic benefit transfer cards shall place a sign
20 at the point of sale containing a notice regarding skimming. Such sign
21 shall include steps customers can take to protect themselves from skim-
22 ming and an appropriate contact number as determined by the secretary of
23 state to report incidences of suspected skimming. The secretary of
24 state shall make available on the department of state's website, a model

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

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1 sign that such establishments may use to comply with the provisions of
2 this section.

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

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

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