

STATE OF NEW YORK

8479

IN SENATE

February 5, 2024

Introduced by Sen. MYRIE -- 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 issuers of credit and debit cards to use certain merchant category codes for firearm merchants

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 article
2 29-BBB to read as follows:

3 ARTICLE 29-BBB
4 CREDIT AND DEBIT CARDS

5 Section 529. Definitions.

6 529-a. Merchant category codes.

7 § 529. Definitions. For the purposes of this article, the following
8 terms shall have the following meanings:

9 1. "Credit card" means and includes any credit card, credit plate,
10 charge plate, courtesy card, or other identification card or device
11 issued by a person to another person which may be used to obtain a cash
12 advance or a loan or credit or to purchase or lease property or services
13 on the credit of the issuer or of the holder.

14 2. "Debit card" means a card, plate or other similar device issued by
15 a person to another person which may be used, without a personal iden-
16 tification number, code or similar identification number, to purchase or
17 lease property or services. The term does not include a credit card or a
18 check, draft or similar instrument.

19 3. "Person" includes an individual, corporation, partnership or asso-
20 ciation, two or more persons having a joint or common interest or any
21 other legal or commercial entity.

22 4. "Issuer" means a person who issues a credit card or a debit card.

23 5. "Holder" means a person to whom such a credit card or debit card is
24 issued or who has agreed with the issuer to pay obligations arising from
25 the use of a credit card or debit card issued to another person.

26 6. "Processor" means a person who facilitates the use of credit cards
27 or debit cards between a holder and a seller.

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

LBD13704-01-3

1 7. "Processor service" means the credit card or debit card facili-
2 tation service provided by the processor.

3 8. "Seller" means any person who honors credit cards or debit cards
4 which may be used to purchase property.

5 § 529-a. Merchant category codes. 1. For the purposes of this section,
6 the following terms shall have the following meanings:

7 (a) "Dealer of ammunition" means any person who engages in the busi-
8 ness of purchasing, selling or keeping ammunition.

9 (b) "Dealer of firearms" means a gunsmith or dealers in firearms
10 licensed pursuant to section 400.00 of the penal law.

11 (c) "Firearm" has the same meaning as that term is defined in subdivi-
12 sion three of section 265.00 of the penal law.

13 2. (a) On or before July first, two thousand twenty-four, each issuer
14 shall make the merchant category code for firearms and ammunition busi-
15 nesses established by the international organization for standardization
16 on September ninth, two thousand twenty-two, available for processors
17 which provide processor services for sellers who are dealers of ammuni-
18 tion or dealers of firearms.

19 (b) On and after May first, two thousand twenty-five, each processor
20 shall assign to each dealer of ammunition and dealer of firearms the
21 merchant category code for firearms and ammunition businesses estab-
22 lished by the international organization for standardization on Septem-
23 ber ninth, two thousand twenty-two.

24 3. Whenever there shall be a violation of this section, the attorney
25 general shall give written notice to the person violating this section
26 identifying the specific provisions of this section that are or were
27 being violated. The attorney general shall not bring an action under
28 this section where, within thirty days of receiving such written notice,
29 the person cures the violation and provides the attorney general with a
30 written statement confirming the violation was cured, including support-
31 ing documentation on how the violation was cured, and stating how inter-
32 nal policies were changed to prevent such violations in the future. If
33 the violations were not cured or proper written notice not received by
34 the attorney general within thirty days of written notice being received
35 by such person violating this section, an application may be made by the
36 attorney general in the name of the people of the state of New York to a
37 court or justice having jurisdiction by a special proceeding to issue an
38 injunction, and upon notice to the defendant of not less than five days,
39 to enjoin and restrain the continuance of such violations; and if it
40 shall appear to the satisfaction of the court or justice that the
41 defendant has, in fact, violated this section, an injunction may be
42 issued by such court or justice, enjoining and restraining any further
43 violation, without requiring proof that any person has, in fact, been
44 injured or damaged thereby. In any such proceeding, the court may make
45 allowances to the attorney general as provided in paragraph six of
46 subdivision (a) of section eighty-three hundred three of the civil prac-
47 tice law and rules, and direct restitution. Whenever the court shall
48 determine that a violation of this section has occurred, the court may
49 impose a civil penalty of not more than ten thousand dollars for each
50 violation and reasonable attorney's fees and costs incurred in investi-
51 gating and bringing an action under this section. In connection with any
52 such proposed application, the attorney general is authorized to take
53 proof and make a determination of the relevant facts and to issue
54 subpoenas in accordance with the civil practice law and rules.

55 § 2. This act shall take effect immediately.