# STATE OF NEW YORK

2672--A

2023-2024 Regular Sessions

# IN ASSEMBLY

January 26, 2023

Introduced by M. of A. PAULIN, DINOWITZ -- 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 sellers to clearly post the price of a credit card surcharge

**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. **1.** Credit card surcharge prohibited. 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 **unless such seller clearly posts the credit card price, inclusive of such surcharge, so customers are exposed to the highest tagged or posted price. The final sales price of any such sales transaction, inclusive of such surcharge, shall not amount to a price greater than the posted price for such sales transaction. Nothing in this subdivision shall be deemed to prohibit merchants from offering a two-tier pricing system. For the purposes of this section, "two-tier pricing system" shall mean the tagging or posting of two different prices in which the credit card price, inclusive of any surcharge, is posted alongside the cash price**.

**2.** Any seller who violates the provisions of this section shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars or a term of imprisonment up to one year, or both. **The provisions of this subdivision may be enforced concurrently by the director or commissioner of a municipal consumer affairs office, or by the town attorney, city corporation counsel, or other lawful designee of a municipality or local government, and all moneys collected thereunder shall be retained by such municipality or local government.**

§ 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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