STATE OF NEW YORK

1048--A

2023-2024 Regular Sessions

IN SENATE

January 9, 2023

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer 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~~] **notice requirement**. [~~No~~] **Any** seller in any sales transaction [~~may impose~~] **imposing** a surcharge on a [~~holder~~] **customer** who elects to use a credit card in lieu of payment by cash, check, or similar means **shall clearly and conspicuously post the total price for using a credit card in such transaction, inclusive of surcharge, provided however, any such surcharge may not exceed the amount of the surcharge charged to the business by the credit card company for such credit card use. 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~~] **liable for a civil penalty, recoverable in an action or proceeding brought in a court of competent jurisdiction** not to exceed five hundred dollars [~~or a term of imprisonment up to one year, or both~~] **for each such violation**. **The provisions of this subdivision may be enforced concurrently by the**

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

LBD02683-07-3

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 on the sixtieth day after it shall have become a law.