

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:

1 Section 1. Section 518 of the general business law, as added by chap-
2 ter 160 of the laws of 1984, is amended to read as follows:

3 § 518. 1. Credit card surcharge [~~prohibited~~] notice requirement. [~~No~~]
4 Any seller in any sales transaction [~~may impose~~] imposing a surcharge on
5 a [~~holder~~] customer who elects to use a credit card in lieu of payment
6 by cash, check, or similar means shall clearly and conspicuously post
7 the total price for using a credit card in such transaction, inclusive
8 of surcharge, provided however, any such surcharge may not exceed the
9 amount of the surcharge charged to the business by the credit card
10 company for such credit card use. The final sales price of any such
11 sales transaction, inclusive of such surcharge, shall not amount to a
12 price greater than the posted price for such sales transaction. Nothing
13 in this subdivision shall be deemed to prohibit merchants from offering
14 a two-tier pricing system. For the purposes of this section, "two-tier
15 pricing system" shall mean the tagging or posting of two different pric-
16 es in which the credit card price, inclusive of any surcharge, is posted
17 alongside the cash price.

18 2. Any seller who violates the provisions of this section shall be
19 [~~guilty of a misdemeanor punishable by a fine~~] liable for a civil penal-
20 ty, recoverable in an action or proceeding brought in a court of compe-
21 tent jurisdiction not to exceed five hundred dollars [~~or a term of~~
22 ~~imprisonment up to one year, or both~~] for each such violation. The
23 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.

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1 director or commissioner of a municipal consumer affairs office, or by
2 the town attorney, city corporation counsel, or other lawful designee of
3 a municipality or local government, and all moneys collected thereunder
4 shall be retained by such municipality or local government.

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