

# STATE OF NEW YORK

1323

2025-2026 Regular Sessions

## IN ASSEMBLY

January 9, 2025

Introduced by M. of A. VANEL -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting deceptive rate advertising for certain accommodations

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  
2 209-h to read as follows:

3 § 209-h. Deceptive advertising. 1. Every advertisement or solicitation  
4 communicating a rate or rates for an accommodation in this state made by  
5 an operator of an accommodation or marketer shall be deemed deceptive if  
6 such rate or rates are not inclusive of all taxes and automatic fees.  
7 This section shall be construed as applying to all instances and mediums  
8 where the rate or rates are communicated.

9 2. For purposes of this section, the following terms shall have the  
10 following meanings:

11 (a) "Rate" shall mean the costs associated with staying at an accommo-  
12 modation, whether displayed as a nightly, daily, or aggregate price and  
13 whether represented in currency, points, credits, or a similar represen-  
14 tation, paid by a guest to stay at the accommodation.

15 (b) "Accommodation" shall mean a hotel, motel, inn or short-term  
16 rental. "Short-term rental" shall be defined as an entire dwelling unit,  
17 or a room, group of rooms, other living or sleeping space, or any other  
18 space, made available for rent by guests for less than thirty consec-  
19 utive days.

20 (c) "Automatic fees" shall include all such fees that are charged to a  
21 guest without respect for such guest's right or ability to be reimbursed  
22 for or refuse to pay the fee or any part thereof. Automatic fees shall  
23 include, but shall not be limited to, service fees, resort fees, desti-  
24 nation fees, amenity fees, facility fees, housekeeping or cleaning fees,  
25 mandatory gratuities, and any fee for a good or service due at the

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

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1 accommodation or elsewhere, before, during, or after the guest concludes  
2 their stay, that is automatically charged in full absent notification to  
3 the accommodation by the guest that the good or service being charged  
4 for was not utilized. A guest's right to refuse or be reimbursed for an  
5 automatic payment shall have no effect on the fee's classification.  
6 Taxes shall include all applicable federal, state, and local taxes.

7 (d) "Inclusive rate" shall mean the total cost amount the consumer is  
8 expected to pay, including any additional taxes or fees.

9 (e) "Non-inclusive rate" shall mean the cost amount for only the  
10 services being provided, which does not include additional taxes and  
11 fees which may be imposed.

12 (f) "Marketer" shall mean any person or entity who, in the normal  
13 course of business, displays, advertises or solicits rates for accommo-  
14 datations.

15 (g) "Points" and "credits" shall include all incentives offered by an  
16 issuing entity that can be redeemed at an accommodation, irrespective of  
17 the issuer. Points and credits shall include, but shall not be limited  
18 to, points issued by credit card issuers, operators of accommodations,  
19 rewards programs, loyalty programs, and any combination thereof.

20 3. Upon request by a consumer, the operator of an accommodation or  
21 marketer shall be required to provide the consumer with the non-inclu-  
22 sive rate, and an itemized list of taxes and automatic fees prior to a  
23 person finalizing their purchase. Absent of such request, the operator  
24 of an accommodation or marketer shall be permitted to provide the  
25 consumer with the inclusive rate.

26 4. Where a rate is payable in points or credits, irrespective of the  
27 issuing entity, every instance of the rate shall be conspicuously accom-  
28 panied by the sum of taxes and automatic fees, including all taxes and  
29 automatic fees charged by the issuing entity where the entity is not the  
30 operator of the accommodation.

31 5. No operator of an accommodation or marketer shall be liable under  
32 this section for any unforeseeable acts or circumstances which cause the  
33 inadvertent communication of a non-inclusive rate provided that the  
34 operator, upon being notified of the existence of such an error, prompt-  
35 ly notify any guest who has reserved the rate and provide them with the  
36 option to refund their reservation without penalty in the same amount  
37 and type of consideration paid.

38 6. Any operator of an accommodation or marketer who violates the  
39 provisions of this section shall be liable for a civil penalty of not  
40 less than one thousand dollars, but not more than three thousand  
41 dollars, per violation.

42 7. Any agreement relating to the waiver of any provision within this  
43 section shall be void.

44 8. This section shall not be construed as having any effect on adver-  
45 tisements or solicitations for accommodations located outside the state  
46 of New York.

47 § 2. This act shall take effect on the one hundred eightieth day after  
48 it shall have become a law.