

STATE OF NEW YORK

4459

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

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

AN ACT to amend the general business law, in relation to business protection for point-of-sale equipment leases

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-BBBB to read as follows:

3 ARTICLE 29-BBBB

4 CREDIT CARD TERMINAL LEASES

5 Section 530. Solicitation; material misrepresentation.

6 530-a. Credit card terminal; lease provisions.

7 530-b. Violations.

8 § 530. Solicitation; material misrepresentation. 1. As used in this
9 article, "credit card terminal" means physical equipment used at the
10 point of sale to accept payment by a payment card, including a credit
11 card, debit card, EBT card, prepaid card, or gift card.

12 2. A person who solicits a finance lease for the use of a credit card
13 terminal shall accurately disclose, orally and prior to the presentation
14 of a specific offer for a finance lease:

15 (a) the nature and scope of such person's relationship to the person
16 or persons who own, lease, service, and finance the credit card terminal
17 and to the person or persons, if known, who provide services related to
18 the credit card terminal, including whether they are an employee, inde-
19 pendent contractor, or agent of one or more of those persons; and

20 (b) whether the person who solicits the finance lease has the authori-
21 ty to negotiate terms of a finance lease with a prospective lessee.

22 3. The written disclosure should be in no less than twelve point font.
23 The disclosure should be written in the primary language used to commu-
24 nicate with the prospective lessee and worded in the same or similar
25 language used by the person soliciting the finance lease.

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

LBD08727-01-5

1 § 530-a. Credit card terminal; lease provisions. The following
2 provisions apply to a finance lease for the use of a credit card termi-
3 nal:

4 1. The finance lease shall be written in no less than twelve point
5 font, in the primary language used to communicate with the lessee and
6 shall be worded in the same or similar language used by the person
7 soliciting the finance lease.

8 2. The finance lease shall specify: (a) the terms; (b) the total
9 price; (c) the total monthly payment due, including any recurring month-
10 ly fees or charges; (d) any other penalties, charges, or fees and the
11 conditions under which they may be incurred; (e) the make and model of
12 the credit card terminal being leased; (f) whether the lessee has the
13 option to purchase the credit card terminal, and if so, the purchase
14 price and terms; and (g) if the lessor does not offer the option to
15 purchase the credit card terminal, a disclaimer that the lessee may be
16 able to purchase the same or a similar credit card terminal from another
17 source.

18 3. (a) If the lessor of a credit card terminal or an affiliated busi-
19 ness also provides payment processing services for the terminal, includ-
20 ing credit card processing services, the delivery of such processing
21 services shall be the subject of a service agreement between the service
22 provider and the business that is separate from the finance lease.

23 (b) If the lessor or its affiliated business offers a discount for
24 bundling the credit card terminal finance lease with the delivery of
25 payment processing services, the lessor shall state that information in
26 the finance lease.

27 4. The finance lease shall clearly and conspicuously identify the
28 lessor of the credit card terminal and the name, mailing address, tele-
29 phone number, e-mail address or website, and relationship to the lessor
30 of:

31 (a) the person to whom the lessee is required to make payments for the
32 credit card terminal;

33 (b) the person to whom the lessee should contact with questions or
34 problems concerning the credit card terminal; and

35 (c) the person to whom the lessee should deliver the credit card
36 terminal for return or repair.

37 5. If at any time the contact information provided to the lessee
38 changes, a notification of such change shall be provided to the lessee
39 within five business days.

40 6. (a) A lessor shall provide a copy of the executed finance lease to
41 the lessee and shall retain a written or electronic copy of such finance
42 lease and proof of delivery of the executed lease for not less than four
43 years after the lease terminates.

44 (b) A lessee shall have the right to cancel a finance lease not later
45 than three days after the lessor provides a copy of the executed finance
46 lease to the lessee.

47 (c) If the lessee exercises such lessee's right to cancel: (i) the
48 lessor may retain any payments made by the lessee after the lessor
49 delivered a copy of the executed finance lease; and (ii) the lessor may
50 impose a reasonable cancellation fee, not to exceed the total monthly
51 payment amount specified in paragraph (c) of subdivision two of this
52 section. A lessee is not required to pay a cancellation fee if there is
53 evidence of fraud or illegality.

54 7. (a) If the judicial forum chosen by the parties to the lease is a
55 forum that would not otherwise have jurisdiction over the lessee, the
56 choice is not enforceable.

1 (b) A lessor shall not collect any charge or fee for business personal
2 property tax on the credit card terminal unless the tax is actually
3 imposed.

4 § 530-b. Violations. Any person, firm, corporation or association or
5 agent or employee thereof who violates this article shall be liable for
6 a civil penalty of five thousand dollars for each violation. The attor-
7 ney general or the district attorney of any county may bring an action
8 in the name of the people of the state to restrain or prevent any
9 violation of this article or any continuance of any such violation.

10 § 2. The attorney general is authorized to promulgate any rule or
11 regulation necessary for the implementation of this act.

12 § 3. This act shall take effect immediately.