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Int. No. 877

By Council Members Marte, Brooks-Powers, Louis, Farías, Restler, Riley, Schulman, Brewer, Epstein and Morano

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting businesses from setting a minimum purchase requirement greater than $10 for credit card transactions

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 26 to read as follows:

SUBCHAPTER 26

PROHIBITION OF CREDIT CARD MINIMUM PURCHASES

§ 20-880 Prohibited conduct. It is unlawful for any organization, as such term is defined in section 20-102, to set a minimum dollar value greater than $10 for the acceptance of credit cards for any sale, lease, rental or loan or offer for sale, lease, rental or loan of any good or service to the public occurring in the city.

§ 20-881 Required posting. Any organization that accepts credit cards must conspicuously post on or near any fixed point of sale terminal that credit card minimums greater than $10 are prohibited by city law. Such disclosure will be in a form determined by the department.

§ 20-882 Penalties. a. Any organization violating section 26-880 or any rules promulgated pursuant thereto is liable for a civil penalty of not more than $150 for the first violation, and a civil penalty of not less than $1,500 and not more than $5,000 for each succeeding violation.

b. Any organization violating section 20-881 or any rules promulgated pursuant thereto is liable for a civil penalty of not more than $50 for the first violation, and a civil penalty of not less than $100 and not more

than $500 for each succeeding violation.

c. The department shall commence any proceeding to recover any civil penalty authorized pursuant to the provisions of this section by serving a notice of violation returnable to any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

d. For purposes of this section, all violations committed on any one day by any organization constitute a single violation.

e. The department shall design and post to its website a form that the public may use to report a violation of this subchapter.

§ 20-883 Enforcement. The department and any other agencies designated by the mayor are authorized to enforce the provisions of this subchapter.

§ 20-884 Rules. a. The commissioner shall promulgate such rules and regulations as are necessary for implementing and carrying out the provisions of this subchapter.

b. The department shall educate organizations about their obligations pursuant to this local law and any rules promulgated thereto.

§ 2. This local law takes effect 120 days after it becomes law.

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