

## New York City Department of Consumer and Worker Protection

### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The Department of Consumer and Worker Protection (“DCWP” or “Department”) is proposing to amend rules relating to credit card limitations to ensure consistency with New York General Business Law § 518.

**When and where is the hearing?** DCWP will hold a public hearing on the proposed rule. The public hearing will take place at 11:00 AM on March 14, 2025. The public hearing will be accessible by phone and videoconference.

- To participate in the public hearing via phone, please dial +1 646-893-7101
  - Phone conference ID: 387 119 844#
- To participate in the public hearing via videoconference, please follow the online link:
  - <https://tinyurl.com/5ekcu88t>
  - Meeting ID: 291 433 568 620
  - Passcode: t3sM9V62

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DCWP through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [Rulecomments@dcwp.nyc.gov](mailto:Rulecomments@dcwp.nyc.gov).
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing Rulecomments@dcwp.nyc.gov. You can also sign up on the phone or videoconference before the hearing begins at 11:00 AM on March 14, 2025. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

**Is there a deadline to submit comments?** Yes. You must submit any comments to the proposed rule on or before March 14, 2025

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us>. A few days after the hearing, all comments received by DCWP on the proposed rule will be made available to the public online at <http://www1.nyc.gov/site/dca/about/public-hearings-comments.page>.

**What if I need assistance to participate in the hearing?** You must tell DCWP’s External Affairs division if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You may tell us by email at Rulecomments@dcwp.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by March 7, 2025

**What authorizes DCWP to make this rule?** Sections 1043 and 2203(f) of the New York City Charter and 20-702 of the New York City Administrative Code authorize the Department of Consumer and Worker Protection to make these proposed rules. This proposed rule was not included in the Department of Consumer and Worker Protection’s regulatory agenda for this Fiscal Year.

**Where can I find DCWP’s rules?** The Department’s rules are in title 6 of the Rules of the City of New York.

**What laws govern the rulemaking process?** DCWP must meet the requirements of section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of section 1043 of the City Charter.

#### **Statement of Basis and Purpose of Proposed Rules**

DCWP is proposing to amend section 5-24 of chapter 5 of title 6 of the Rules of the City of New York (“RCNY”) to ensure consistency with New York General Business Law § 518 (“GBL § 518”), which was recently amended to limit the surcharge a seller may impose for a customer’s use of a credit card and to require clear and conspicuous posting of the total price for using a credit card.

DCWP rules currently require a seller who accepts credit cards to clearly and conspicuously disclose every limitation they impose on such use at or near every entrance to the seller’s business premises and in all advertising that indicates credit cards are accepted.

GBL § 518 prohibits sellers from imposing credit card surcharges that are greater than the amount the seller is charged by the credit card company and specifies acceptable forms of notice where such surcharges are imposed.

For consistency with GBL § 518, and consistent with DCWP’s authority to regulate to prevent deceptive or unconscionable trade practices, DCWP is amending its rules to ensure that businesses that impose credit card limitations comply with the requirements of GBL § 518. Such an amendment is necessary to ensure consumers are not deceived by a businesses’ failure to disclose a higher price for a purchase made using a credit card.

Sections 1043 and 2203(f) of the New York City Charter and Section 20-702 of the New York City Administrative Code authorize the Department of Consumer and Worker Protection to make these proposed rules.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 24 of chapter 5 of Title 6 of the Rules of the City of New York is amended to read as follows:

#### **§ 5-24 Credit Card Limitations.**

- (a) A seller who accepts credit cards must conspicuously disclose every limitation the seller imposes on their use and must comply with all provisions of New York General Business Law § 518.
- (b) Disclosures required by this section must appear at or near every entrance to the seller’s business premises and in all advertising that indicates credit cards are accepted. Where a disclosure is required by this section to be consistent with the notice requirements of New York General Business Law § 518, such disclosure must be clearly and conspicuously posted in compliance with such section.

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Amendment of Rules Relating to Credit Card Limitations

**REFERENCE NUMBER:** 2024 RG 059

**RULEMAKING AGENCY:** Department of Consumer and Worker Protection

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Corporation Counsel

Date: January 22, 2025

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Rules Relating to Credit Card Limitations**

**REFERENCE NUMBER: DCWP-52**

**RULEMAKING AGENCY: Department of Consumer and Worker Protection**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

January 23, 2025  
Date