Credit Card Surcharge Guidance

Department of State
Consumer Protection

Starting February 11, 2024, there is new guidance for New York State businesses when charging an additional fee to customers paying with a credit card. (NYS GBS § 518)

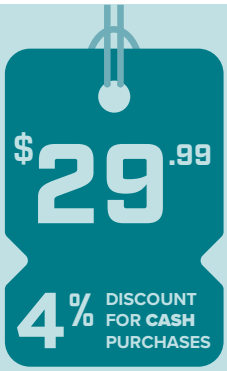
What does this mean for New Yorkers?

A business has the option of passing along the actual cost of credit card processing fees as a surcharge to customers, but they must be transparent by displaying the **highest total price** (excluding sales tax).

LEGAL
A business can:



Clearly display **BOTH** the Credit Card and the Cash Price.



List the **HIGHER** Credit Card price and advertise a **DISCOUNT** for Cash purchases.

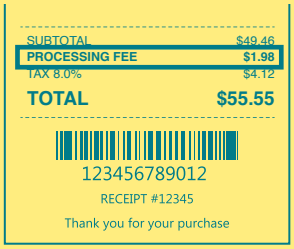


Use the **SAME PRICE** for both Cash and Credit Card purchases.

ILLEGAL
A business cannot:



Put a **SIGN ON THE WALL OR AT THE REGISTER** that notifies a fee is applied to all credit card sales.



Charge **SEPARATE LINE ITEMS**:

- convenience fee,
- service fee,
- administration fee,
- non-cash adjustment,
- technology fee,
- processing fee,

etc., to credit card users on the customer receipt.



Advertise that all **PRICES INCLUDE A CASH DISCOUNT** that **does not** apply to credit cards purchases.



Include a **CREDIT CARD SURCHARGE WARNING** on the item price tag.

If you have questions about the law, want to see more examples, or are not sure you are following the law correctly, please visit our website at dos.ny.gov/CreditCardSurcharge or contact us at: **(800) 697-1220**