



CREDIT CARD SURCHARGE GUIDANCE

Effective 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 Erie County residents? 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:

VS

Illegal

A business cannot:



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

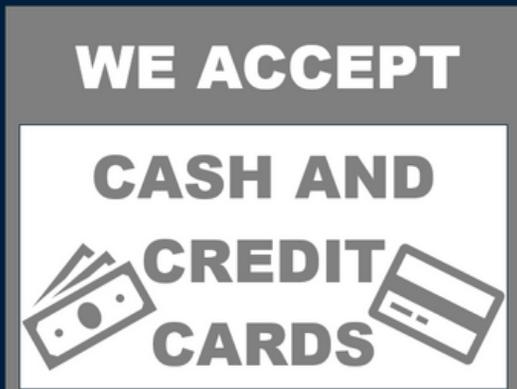
Put a SIGN ON THE WALL OR AT THE REGISTER that notifies a fee is applied to all credit card sales.



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

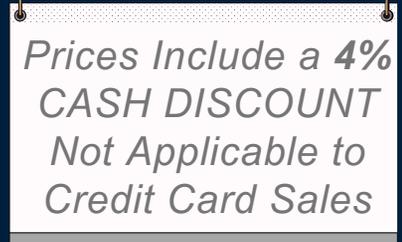


Include a CREDIT CARD SURCHARGE WARNING on the item price tag.



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

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



Charge SEPARATE LINE ITEMS:

ERIE COUNTY DIVISION OF CONSUMER PROTECTION

CONTACT US:

(716) 858-1987

consumerprotection@erie.gov

95 Franklin Street, Room 651
Buffalo, NY 14202-3921

Vanilla topping		\$1.00
Cherry Pie	x 1	\$6.25
Large		\$2.00
<hr/>		
	Subtotal	\$13.25
	Credit Card Surcharge	\$0.53
	Tax	\$1.16
	Total	\$14.94
Credit Card 4239 Tendered		\$14.94
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- convenience fee,
- service fee,
- administration fee,
- non-cash adjustment,
- technology fee,
- processing fee,

etc., to credit card users on the receipt.