



Legislation Text

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Int. No. 1614

By Council Member Rose

A Local Law to amend the administrative code of the city of New York, in relation to requiring retail stores to maintain a point-of-sale device that can issue e-receipts

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

SUBCHAPTER 13

E-RECEIPTS

§ 20-699.7 Definitions. As used in this subchapter, the following terms have the following meanings:

E-receipt. The term “e-receipt” means an electronic proof of purchase such that the information is processed, stored and shared entirely by computer.

Paper receipt. The term “paper receipt” means any piece of paper constituting proof of purchase, and includes paper coupons printed along with the proof of purchase. The term does not include pieces of paper marked to be redeemable for an item or items purchased.

Point-of-sale device. The term “point-of-sale device” means any machine designed or used to aggregate the quantity and prices of items purchased, including but not limited to devices with cash drawers and other cash receptacles.

Retail store. The term “retail store” means a store engaged in selling items at retail and subject to the collection of sales tax.

§ 20-699.8 E-receipt capability required. Every retail store shall maintain a point-of-sale device that is

capable of issuing an e-receipt.

§ 20-699.9 Enforcement. Any entity that violates the provisions of this subchapter or any rules promulgated pursuant thereto is liable for a civil penalty of \$250 for a first violation and \$500 for any subsequent violation within 18 months of a previous violation, except that the department shall issue a warning instead of a notice of violation for any violation that occurs within one year after the law takes effect. For purposes of assessing penalties in accordance with this section, all violations committed by the same retail store on the same day shall count as one violation.

§ 20-699.10 Small business exception. Any retail store that had a gross income under \$500,000 per location on their annual income tax filing for the most recent tax year may request from the commissioner of small business services, in a manner and form established by such commissioner, a financial hardship waiver of the requirements of this subchapter. The commissioner of small business services shall, after consultation with the commissioner, grant such waiver if such retail store proves that the acquisition of a point-of-sale device capable of delivering an e-receipt would create an undue financial hardship. Such financial hardship waiver shall be valid for one year and shall be renewable upon application to the commissioner of small business services. A pending application for such financial hardship waiver shall be a defense to any notice of violation or warning issued pursuant to this subchapter to which such pending application relates and such notice of violation or warning shall be dismissed.

§ 20-699.11 Education and outreach. Beginning July 1, 2019, and thereafter as needed, the department shall provide outreach and education to businesses to inform them of the provisions of this section. Such outreach and education shall be offered in multiple languages.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

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