

**THE CITY OF NEW YORK
DEPARTMENT OF FINANCE**

NOTICE OF ADOPTION

Pursuant to the power vested in me as Commissioner of Finance by section 5(c) of the General Municipal Law, sections 389(b) and 1043 of the New York City Charter and section 11-105 of the New York City Administrative Code, I hereby promulgate the within amendment to the Rules of the Commissioner of Finance relating to fees. This rule amendment was published in proposed form on November 19, 2013. A hearing for public comment was held on December 20, 2013.

S/S
Beth E. Goldman
Commissioner of Finance

Statement of Basis and Purpose of Rule

On October 2, 2007 Mayor Bloomberg issued Executive Order 106 (E.O. 106), which calls for the City to implement a unified billing, payment, and collection strategy. E.O. 106 requires all City agencies to establish a system for accepting credit and debit card payments for fees, fines, sales of products, and any other suitable transactions.

To implement this order, the Commissioner of Finance adopted a rule that establishes a consistent policy for accepting credit and debit card payments and a uniform fee to defray the cost incurred by the City from credit and debit card transactions. The rule requires that City agencies covered by the rule charge a nonrefundable fee of 2.49% of the amount paid for credit and debit card transactions.

The rule does not apply to checks, money orders, cash, or other forms of electronic payments such as eChecks. These forms of payment are accepted without a fee. The rule also includes exceptions for certain agencies and charges. This rule creates two additional exceptions.

First, it adds an exception for credit and debit card payments paid to the Department of Parks and Recreation for tennis permits, summer camps, and recreation center memberships, because these payments are processed through a third party service, and the City does not directly incur any additional credit or debit card related expenses when accepting them.

Second, in response to a comment received, it adds an exception for credit and debit card payments owed for child support, because the City does not incur the administrative costs associated with these payments. This second exception was not included in the rule's original proposal.

The Department of Finance's authority for these rules is found in New York General Municipal Law § 5(c), New York City Administrative Code § 11-105, and New York City Charter §§ 1043 and 1504.

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.

Amendment to Rules Relating to Fees

Section 1. Subdivision (d) of section 9-02 of the Rules of the Commissioner of Finance Relating to Fees (19 RCNY Chapter 9) is amended to read as follows:

(d) When fee must not be imposed. The fee provided by this section must not be imposed:

(1) for parking time purchased from a muni-meter or parking cards purchased to use at a muni-meter;

(2) for retail transactions for the sale of merchandise or the purchase of parking time at municipal garages;

(3) for payments made as donations, except when the donation is paid as part of an existing transaction for which a fee is charged;

(4) for re-payments of Medicaid, Cash Assistance, or Supplemental Nutrition Assistance Program benefits for overpayments by any of these programs, for payments owed for child support, and for payments made by beneficiaries to reduce their income in order to qualify for eligibility for Medicaid;

(5) for fees paid for emergency medical ambulance services;

(6) for birth and death certificates issued by the Department of Health and Mental Hygiene's Vital Records Bureau; [and]

(7) for fees paid to the Department of Parks and Recreation for tennis permits, summer camps, and recreation center memberships; and

(8) where payment by credit card is the only means of payment accepted.