

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH11137-Mdf-84 (03/24)

Short Title: Surcharge For Credit Card Use Prohibited.

(Public)

Sponsors: Representative Blackwell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE CHARGING OF A SURCHARGE ON PERSONS WHO
ELECT TO USE A CREDIT CARD, CHARGE CARD, OR DEBIT CARD IN LIEU OF
PAYMENT BY CASH, CHECK, OR SIMILAR MEANS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 75 of the General Statutes is amended by adding
a new section to read:

"§ 75-43. Surcharge for payment by credit card prohibited.

(a) Prohibition. – A person who sells or leases goods or services in this State shall not impose a surcharge on a person who elects to use a credit card, charge card, or debit card in lieu of payment by cash, check, or similar means. As used in this section, the term 'surcharge' means any additional amount imposed at the time of the sales or lease transaction that increases the charge to the buyer or lessee for the privilege of using a credit card, charge card, or debit card.

(b) Exception. – A person may offer discounts for the purpose of inducing payment by cash, check, or other means not involving the use of a credit card, charge card, or debit card, provided that the discount is offered to all prospective buyers.

(c) Violation an Unfair Trade Practice. – A violation of this section shall be an unfair and deceptive trade practice under G.S. 75-1.1."

SECTION 2. G.S. 159-32.1 reads as rewritten:

"§ 159-32.1. Electronic payment.

~~A~~ Notwithstanding G.S. 75-43, a unit of local government, public hospital, or public authority may, in lieu of payment by cash or check, accept payment by electronic payment as defined in G.S. 147-86.20 for any tax, assessment, rate, fee, charge, rent, interest, penalty, or other receivable owed to it. A unit of local government, public hospital, or public authority may pay any negotiated discount, processing fee, transaction fee, or other charge imposed by a credit card, charge card, or debit card company, or by a third-party merchant bank, as a condition of contracting for the unit's or the authority's acceptance of electronic payment. A unit of local government, public hospital, or public authority may impose the fee or charge as a surcharge on the amount paid by the person using electronic payment."

SECTION 3. This act becomes effective October 1, 2011.

