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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2629

05/13/2021 Authored by Kotyza-Witthuhn The bill was read for the first time and referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act
1.2 relating to consumer protection; modifying limitations on credit card surcharges;
1.3 amending Minnesota Statutes 2020, section 325G.051, subdivision 1.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2020, section 325G.051, subdivision 1, is amended to read:

1.6 Subdivision 1. Limitation; prohibition. (a) A seller or lessor of goods or services doing
1.7 business in Minnesota may impose a surcharge on a purchaser who elects to use a credit
1.8 card in lieu of payment by cash, check, or similar means, provided (1) the seller informs
1.9 the purchaser of the surcharge both orally at the time of sale and by a sign conspicuously
1.10 posted on the seller's premises, or lessor clearly, conspicuously, and accurately discloses
1.11 the surcharge at the point of entry, at the beginning of the payment transaction, and on every
1.12 receipt; and (2) the surcharge does not exceed five percent of the purchase price.

1.13 (b) A seller of goods or services that establishes and is responsible for its own customer
1.14 credit card may not impose a surcharge on a purchaser who elects to use that credit card in
1.15 lieu of payment by cash, check, or similar means.

1.16 (c) For purposes of this section "surcharge" means a fee or charge imposed by a seller
1.17 upon a buyer that increases the price of goods or services to the buyer because the buyer
1.18 uses a credit card to purchase the goods or services. The term does not include a discount
1.19 offered by a seller to a buyer who makes payment for goods or services by cash, check, or
1.20 similar means not involving a credit card if the discount is offered to all prospective buyers
1.21 and its availability is clearly and conspicuously disclosed to all prospective buyers.