

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-THIRD SESSION**

**S.F. No. 1565**

(SENATE AUTHORS: XIONG)

DATE	D-PG	OFFICIAL STATUS
02/13/2023	798	Introduction and first reading Referred to Commerce and Consumer Protection
03/15/2023	1775	Comm report: To pass
	1791	Second reading
	11498	Rule 47, returned to Commerce and Consumer Protection See SF2744

- 1.1 A bill for an act
- 1.2 relating to consumer protection; modifying limitations on credit card surcharges;
- 1.3 amending Minnesota Statutes 2022, section 325G.051, subdivision 1.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. Minnesota Statutes 2022, 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 transactions in Minnesota with a purchaser
- 1.8 customer who elects to use a credit or charge card in lieu of payment by cash, check, or
- 1.9 similar means, provided:
- 1.10 (1) if the sale or lease of goods or services is processed in person, the seller or lessor
- 1.11 informs the purchaser customer of the surcharge both orally at the time of sale and by a sign
- 1.12 conspicuously posted on the seller's or lessor's premises;
- 1.13 (2) if the sale or lease of goods or services is processed through a website or mobile
- 1.14 device, the seller or lessor informs the customer of the surcharge by conspicuously posting
- 1.15 a surcharge notice during the sale, at the point of sale, on the customer order summary, or
- 1.16 on the checkout page of the website;
- 1.17 (3) if the sale or lease of services is processed over the phone, the seller or lessor informs
- 1.18 the customer of the surcharge orally; and (2)
- 1.19 (4) the surcharge does not exceed five percent of the purchase price.
- 1.20 (b) A seller or lessor of goods or services that establishes and is responsible for ~~its~~ the
- 1.21 seller or lessor's own customer credit or charge card may not impose a surcharge on a

2.1  ~~purchaser~~ customer who elects to use that credit or charge card in lieu of payment by cash,  
2.2 check, or similar means.

2.3 (c) For purposes of this section "surcharge" means a fee or charge imposed by a seller  
2.4 or lessor upon a ~~buyer~~ customer that increases the price of goods or services to the ~~buyer~~  
2.5 customer because the ~~buyer~~ customer uses a credit or charge card to purchase or lease the  
2.6 goods or services. The term does not include a discount offered by a seller or lessor to a  
2.7 ~~buyer~~ customer who makes payment for goods or services by cash, check, or similar means  
2.8 not involving a credit or charge card if the discount is offered to all prospective ~~buyers~~  
2.9 customers and its availability is clearly and conspicuously disclosed to all prospective ~~buyers~~  
2.10 customers.

2.11 (d) This subdivision applies to an agent of a seller or lessor.