

[Fifth Reprint]

ASSEMBLY, No. 4284

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 16, 2022

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SYNOPSIS

Prohibits seller from imposing certain surcharge for credit card transactions;
establishes certain notice requirements regarding surcharge.

CURRENT VERSION OF TEXT

As amended by the Senate on June 26, 2023.



(Sponsorship Updated As Of: 6/30/2023)

1 AN ACT concerning credit card surcharges and supplementing
2 P.L.1960, c.39 (C.56:8-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. As used in this act:

8 ¹**["Consumer"** shall have the same meaning as provided in
9 section 1 of P.L.1974, c.146 (C.56:11-1).¹

10 "Credit card" means a card, plate, ¹charge card, charge plate,¹ or
11 other single credit device that may be used from time to time to
12 obtain credit.

13 "Goods" means any beverage, chattels, foodstuffs, products, or
14 wares of any type or description but shall not include "motor fuel."

15 "Motor fuel" means any combustible liquid or gaseous substance
16 used, or suitable, for the generation of power to propel motor
17 vehicles.

18 "Restaurant" means an establishment in which the principal
19 business is the sale of food or beverages for consumption on or off
20 the premises.

21 "Seller" means a person who sells ¹, leases,¹ or rents goods or
22 services to a ¹**["consumer]"** customer¹.

23 "Surcharge" means any additional amount imposed by a seller at
24 the time of a credit card transaction that increases a charge to a
25 ¹**["consumer]"** customer¹ for the use of a credit card.

26

27 2. a. A seller shall not impose on a ¹**["consumer]"** customer¹ who
28 uses a credit card for a transaction ¹occurring in New Jersey¹ a
29 surcharge that is greater than ¹**["the actual cost to the seller to process**
30 **the credit card payment]"** ²2.5 percent of the total amount being paid
31 by the customer¹ ¹**["the actual cost to the seller to process the credit card**
32 **payment"** ². ⁵A seller subject to the provisions of P.L. _____, c. _____
33 (pending before the Legislature as this bill) shall make available to the
34 Director of the Division of Consumer Affairs in the Department of
35 Law and Public Safety for inspection any account books, papers,
36 documents, and other records necessary to enable the director to
37 determine reasonable compliance with the provisions of P.L. _____, c.
38 (C. _____) (pending before the Legislature as this bill).⁵

39 b. A seller that imposes a surcharge on a ¹**["consumer]"** customer¹
40 to process a credit card payment shall disclose the amount of the
41 surcharge to a ¹**["consumer]"** customer¹ ², prior to the customer
42 incurring any charge for goods or services, ⁴**["by providing verbal**
43 **notice to the customer and"** ⁴ ⁴, in the case of a seller other than a

EXPLANATION – Matter enclosed in bold-faced brackets **["thus"]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AFI committee amendments adopted October 13, 2022.

²Assembly floor amendments adopted November 21, 2022.

³Senate SCM committee amendments adopted May 15, 2023.

⁴Senate floor amendments adopted June 20, 2023.

⁵Senate floor amendments adopted June 26, 2023.

1 restaurant,⁴ posting clear and conspicuous notice on a sign at the point
2 of entry and point of¹ sale ⁴**[,]**⁴ ¹**[or]** ⁴**[and]**¹, for any **or, in the case**
3 of a⁴ restaurant, on a sign in the customer service area ¹**[or]** and¹ on
4 ²**[a printed ¹or online¹]** the² menu, except:

5 (1) if the seller is processing a credit card payment for a
6 transaction that will occur through an Internet website ⁵**[or]** a⁵
7 mobile application, ⁵or an electronic kiosk,⁵ the seller shall provide
8 clear and conspicuous electronic notice ¹on the ³**[homepage and]**³
9 checkout page of the Internet website ⁵**[or]** ⁵mobile application¹ ⁵,
10 or electronic kiosk⁵ prior to processing the transaction; or

11 (2) if the seller is processing a credit card payment for a
12 transaction that will occur over the telephone, the seller shall provide
13 verbal notice prior to processing the transaction.

14 c. A violation of this section is an unlawful practice pursuant to
15 P.L.1960, c.39 (C.56:8-1 et seq.).

16

17 3. This act shall take effect immediately.