

[Third Reprint]

**SENATE, No. 3508**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED JANUARY 26, 2023

**Sponsored by:**

**Senator GORDON M. JOHNSON**

**District 37 (Bergen)**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Senators Singer and Ruiz**

**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 “Credit card” means a card, plate, charge card, charge plate, or  
9 other single credit device that may be used from time to time to  
10 obtain credit.

11 “Goods” means any beverage, chattels, foodstuffs, products, or  
12 wares of any type or description but shall not include “motor fuel.”

13 “Motor fuel” means any combustible liquid or gaseous substance  
14 used, or suitable, for the generation of power to propel motor  
15 vehicles.

16 “Restaurant” means an establishment in which the principal  
17 business is the sale of food or beverages for consumption on or off  
18 the premises.

19 “Seller” means a person who sells, leases, or rents goods or  
20 services to a customer.

21 “Surcharge” means any additional amount imposed by a seller at  
22 the time of a credit card transaction that increases a charge to a  
23 customer for the use of a credit card.

24  
25 2. a. A seller shall not impose on a customer who uses a credit  
26 card for a transaction occurring in New Jersey a surcharge that is  
27 greater than the actual cost to the seller to process the credit card  
28 payment. <sup>3</sup>A seller subject to the provisions of P.L.           , c.        (C.       )  
29 (pending before the Legislature as this bill) shall make available to the  
30 Director of the Division of Consumer Affairs in the Department of  
31 Law and Public Safety for inspection any account books, papers,  
32 documents, and other records necessary to enable the director to  
33 determine reasonable compliance with the provisions of P.L.           , c.  
34 (C.       ) (pending before the Legislature as this bill).<sup>3</sup>

35 b. A seller that imposes a surcharge on a customer to process a  
36 credit card payment shall disclose the amount of the surcharge to a  
37 customer, prior to the customer incurring any charge for goods or  
38 services, <sup>2</sup>[by providing verbal notice to the customer and]<sup>2</sup> by <sup>2</sup>, in  
39 the case of a seller other than a restaurant,<sup>2</sup> posting clear and  
40 conspicuous notice on a sign at the point of entry and point of sale<sup>2</sup>[,  
41 and for any] or, in the case of a<sup>2</sup> restaurant, on a sign in the customer  
42 service area and on the menu, except:

43 (1) if the seller is processing a credit card payment for a  
44 transaction that will occur through an Internet website <sup>3</sup>[or] , a<sup>3</sup>

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:

<sup>1</sup>Senate SCM committee amendments adopted May 15, 2023.

<sup>2</sup>Senate floor amendments adopted June 20, 2023.

<sup>3</sup>Senate floor amendments adopted June 26, 2023.

1 mobile application, <sup>3</sup>or an electronic kiosk,<sup>3</sup> the seller shall provide  
2 clear and conspicuous electronic notice on the <sup>1</sup>【homepage and】<sup>1</sup>  
3 checkout page of the Internet website <sup>3</sup>【or】<sup>3</sup> mobile application <sup>3</sup>, or  
4 electronic kiosk<sup>3</sup> prior to processing the transaction; or

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

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

10

11 3. This act shall take effect immediately.