



SPONSOR: Rep. Baumbach & Sen. Huxtable
Reps. Longhurst, Morrison; Sen. Sokola

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO FINANCIAL TRANSACTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 25, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter XII. Credit Card Surcharges

§ 2599. Credit card surcharges.

(a) For purposes of this section:

(1) "Credit card" means any card or document entitling its holder to obtain any goods or services by the production of the card, document, or information on such card or document, and entitling its holder to tender payment for such goods and services at a later date.

(2) "Surcharge" means any additional amount imposed by a person, retailer, or seller for a credit card transaction that increases the amount of the transaction for the use of the credit card as payment.

(b) No person, retailer, or seller in any sales transaction shall deny payment from a cardholder who elects to use a credit card as payment in lieu of payment by cash, check, or similar means; provided that the person, retailer, or seller accepts credit card payments for any sales transaction in the ordinary course of business.

(c) No person, retailer, or seller in any sales transaction shall impose a surcharge of more than 1% of the sales transaction on a cardholder who elects to use a credit card as payment in lieu of payment by cash, check, or similar means.

(d) A violation of this section shall be considered an unlawful practice under § 2513 of this title.

SYNOPSIS

This Act prohibits a seller from (1): Denying payment by credit card when the seller accepts credit cards in the ordinary course of business; and (2) Imposing a surcharge of more than 1% of the sales transaction on a cardholder who elects to use a credit card in lieu of payment by cash, check, or similar means.