

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

S.F. No. 2903

(SENATE AUTHORS: PRATT and Duckworth)

DATE	D-PG	OFFICIAL STATUS
02/07/2022	4917	Introduction and first reading
		Referred to Commerce and Consumer Protection Finance and Policy
02/10/2022	4975	Author added Duckworth

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.