

[Third Reprint]

ASSEMBLY, No. 591

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblywomen McKnight, Mosquera, Assemblyman Schaer and Senator Ruiz

SYNOPSIS

Prohibits discrimination against cash-paying consumers.

CURRENT VERSION OF TEXT

As amended by the Senate on December 17, 2018.



(Sponsorship Updated As Of: 2/1/2019)

1 AN ACT concerning payments by consumers 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. ¹**[**It shall be an unlawful practice and a violation of
8 P.L.1960, c.39 (C.56:8-1 et seq.) for a] a. ¹A¹ person selling or
9 offering for sale goods or services at retail ¹**[to]** shall not¹ require a
10 buyer to pay using credit or to prohibit cash as payment in order to
11 purchase the goods or services. A person selling or offering for sale
12 goods or services at retail shall accept legal tender when offered by
13 the buyer as payment.

14 ¹b. A person in violation of subsection a. of this section shall be
15 subject to a civil penalty of up to \$2,500 for a first offense and up to
16 \$5,000 for a second offense, to be collected in a civil action by a
17 summary proceeding under the "Penalty Enforcement Law of
18 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court
19 shall have jurisdiction of proceedings for the enforcement of the
20 penalty provided by this section.

21 A third violation of subsection a. of this section is an unlawful
22 practice under P.L.1960, c.39 (C.56:8-1 et seq.), and for the
23 purposes of this subsection shall be considered a first offense under
24 P.L.1960, c.39 (C.56:8-1 et seq.).

25 A fourth or subsequent violation of subsection a. of this section
26 is an unlawful practice under P.L.1960, c.39 (C.56:8-1 et seq.), and
27 for the purposes of this subsection shall be considered a subsequent
28 offense under P.L.1960, c.39 (C.56:8-1 et seq.).

29 c.¹ ²The provisions of this section shall not apply to:

30 (1) any person selling goods or services at an airport, provided
31 that at least two persons selling food at each terminal within the
32 airport accept cash as payment;

33 (2) any parking facility owned by a municipality, regardless of
34 whether the facility is operated by the municipality, a parking
35 authority, or an independent third party; ³**[and]**³

36 (3) any parking facility that accepts mobile payment, provided
37 that the facility does not accept payment by any means other than
38 mobile payment ³; and

39 (4) any company in the business of renting motor vehicles,
40 provided that the company accepts a cashier's check or a certified
41 check when offered by a buyer as payment³.

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 ACO committee amendments adopted June 11, 2018.

²Senate SCM committee amendments adopted December 3, 2018.

³Senate floor amendments adopted December 17, 2018.

1 d.² As used in this section, “at retail” shall include any retail
2 transaction conducted in person and exclude any telephone, mail, or
3 Internet-based transaction.

4

5 2. This act shall take effect immediately.