

SENATE, No. 2785

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 25, 2018

Sponsored by:
Senator NELLIE POU
District 35 (Bergen and Passaic)

SYNOPSIS

Prohibits discrimination against cash-paying consumers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning payments by consumers and supplementing
2 P.L.1960, c.39 (C.56:8-1 et seq.).

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

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7 1. a. A person selling or offering for sale goods or services at
8 retail shall not require a buyer to pay using credit or to prohibit cash
9 as payment in order to purchase the goods or services. A person
10 selling or offering for sale goods or services at retail shall accept
11 legal tender when offered by the buyer as payment.

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

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

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

27 c. As used in this section, "at retail" shall include any retail
28 transaction conducted in person and exclude any telephone, mail, or
29 Internet-based transaction.

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31 2. This act shall take effect immediately.

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STATEMENT

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36 This bill prohibits discrimination against consumers paying for
37 goods or services with cash.

38 Specifically, the bill prohibits a person from selling or offering
39 for sale any goods or services at retail if the person requires the
40 buyer to pay with credit or prohibits the buyer from paying with
41 cash. The bill applies to any retail transaction conducted in-person,
42 and excludes telephone, mail, or Internet-based transactions.

43 A civil penalty of up to \$2,500 would be imposed for a first
44 violation of the bill's provisions, and up to \$5,000 for a second
45 violation. A third violation would be an unlawful practice under the
46 consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), and would be
47 considered a first offense under the consumer fraud act. A fourth or
48 subsequent violation of the bill's provisions would be an unlawful

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1 practice under the consumer fraud act, and would be considered a
2 subsequent offense under that act.

3 An unlawful practice is punishable by a monetary penalty of not
4 more than \$10,000 for a first offense and not more than \$20,000 for
5 any subsequent offense. Additionally, violations can result in cease
6 and desist orders issued by the Attorney General, the assessment of
7 punitive damages, and the awarding of treble damages and costs to
8 the injured party.