

# ASSEMBLY CONSUMER AFFAIRS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 591**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 11, 2018

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 591.

As amended and reported by the committee, this bill prohibits discrimination against consumers paying for goods or services with cash.

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

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

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

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

#### COMMITTEE AMENDMENTS:

The committee amendments change the penalty provisions under the bill. As introduced, a violation of the bill was an unlawful practice under the consumer fraud act. The amendments provide that the penalty for a first and second offense would be a fine, and a third or subsequent offense would be an unlawful practice under the consumer fraud act.