

P.L. 2019, CHAPTER 50, *approved March 18, 2019*  
 Assembly, No. 591 (*Third Reprint*)

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:  
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7 1. <sup>1</sup>~~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~~ <sup>a</sup> A<sup>1</sup> person selling or  
 9 offering for sale goods or services at retail <sup>1</sup>~~to~~ shall not<sup>1</sup> 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 <sup>1</sup>b. 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.<sup>1</sup> <sup>2</sup>The 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; <sup>3</sup>~~and~~<sup>3</sup>

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 <sup>3</sup>; and

**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:

<sup>1</sup>Assembly ACO committee amendments adopted June 11, 2018.

<sup>2</sup>Senate SCM committee amendments adopted December 3, 2018.

<sup>3</sup>Senate floor amendments adopted December 17, 2018.

1       (4) any company in the business of renting motor vehicles,  
2 provided that the company accepts a cashier's check or a certified  
3 check when offered by a buyer as payment<sup>3</sup>.

4       d.<sup>2</sup> As used in this section, "at retail" shall include any retail  
5 transaction conducted in person and exclude any telephone, mail, or  
6 Internet-based transaction.

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8       2. This act shall take effect immediately.

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Prohibits discrimination against cash-paying consumers.