

[Second Reprint]

**SENATE, No. 2785**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED JUNE 25, 2018

**Sponsored by:**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Senator NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

**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. 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. <sup>1</sup>The provisions of this section shall not apply to:

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

31 (2) any parking facility owned by a municipality, regardless of  
32 whether the facility is operated by the municipality, a parking  
33 authority, or an independent third party; <sup>2</sup>[and]<sup>2</sup>

34 (3) any parking facility that accepts mobile payment, provided  
35 that the facility does not accept payment by any means other than  
36 mobile payment <sup>2</sup>; and

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

40 d.<sup>1</sup> As used in this section, "at retail" shall include any retail  
41 transaction conducted in person and exclude any telephone, mail, or  
42 Internet-based transaction.

43

44 2. This act shall take effect immediately.

**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>Senate SCM committee amendments adopted December 3, 2018.

<sup>2</sup>Senate floor amendments adopted December 17, 2018.