

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2785

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2018

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 2785.

This bill, as amended, 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.

The provisions of the bill do not apply to:

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

(2) any parking facility owned by a municipality, regardless of whether the facility is operated by the municipality, a parking authority, or an independent third party; and

(3) any parking facility that accepts mobile payment, provided that the facility does not accept payment by any means other than mobile payment.

COMMITTEE AMENDMENTS:

The committee amended the bill to provide that the provisions of the bill do not apply to:

1. Any person selling goods or services at an airport, provided that at least two persons selling food at each terminal within the airport accept cash as payment;
2. Any parking facility owned by a municipality, regardless of whether the facility is operated by the municipality, a parking authority, or an independent third party; and
3. Any parking facility that accepts mobile payment, provided that the facility does not accept payment by any means other than mobile payment.