

By: Senator(s) Tollison

To: Business and Financial
Institutions

SENATE BILL NO. 2278

1 AN ACT TO PROHIBIT CREDIT CARD ISSUERS FROM CHARGING
2 MERCHANTS ANY AMOUNT IN EXCESS OF THE CONTRACTUAL DISCOUNT RATE AS
3 AGREED BETWEEN THE CREDIT CARD ISSUER AND THE MERCHANT WITH REGARD
4 TO FEES PER SALES TRANSACTIONS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** (1) As used in this section:

7 (a) "Credit card" means any card, plate, coupon book or
8 other credit device existing for the purpose of being used from
9 time to time upon presentation to obtain money, property, labor or
10 services on credit.

11 (b) "Card issuer" means any person, or his or her
12 agent, who issues a credit card and purchases credit card drafts.

13 (c) "Merchant" means any person or entity, regardless
14 of the form of organization, that offers goods or services to the
15 public in this state and accepts payment for the goods or services
16 by use of a credit card.

17 (2) With regard to fees charged per sales transaction, no
18 credit card issuer may charge a merchant any amount in excess of
19 the contractual discount rate as agreed between the credit card
20 issuer and the merchant.

21 (3) Any person, firm or corporation who violates this
22 section shall be guilty of a misdemeanor, and upon conviction
23 shall be punished by fine not to exceed Five Hundred Dollars
24 (\$500.00) per violation or imprisonment in the county jail not to
25 exceed six (6) months, or both fine and imprisonment.

26 (4) Any person who violates this section may bring an action
27 for the recovery of damages, equitable relief, and reasonable
28 attorney's fees and costs.

29 **SECTION 2.** This act shall take effect and be in force from
30 and after July 1, 2004.