

By: Representative Lane

To: Banking and Financial Services

HOUSE BILL NO. 1433

1 AN ACT TO PROHIBIT A SELLER OR LESSOR IN A SALES OR LEASE
2 TRANSACTION FROM IMPOSING A SURCHARGE ON THE BUYER OR LESSEE FOR
3 USING A CREDIT CARD IN LIEU OF PAYMENT BY CASH, CHECK OR SIMILAR
4 MEANS; TO PROVIDE FOR CERTAIN EXCEPTIONS; TO PROVIDE CRIMINAL
5 PENALTIES FOR VIOLATIONS OF THIS SECTION; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** (1) A seller or lessor in a sales or lease
9 transaction may not impose a surcharge on the buyer or lessee for
10 electing to use a credit card in lieu of payment by cash, check or
11 similar means, if the seller or lessor accepts payment by credit
12 card. A surcharge is any additional amount imposed at the time of
13 a sale or lease transaction by the seller or lessor that increases
14 the charge to the buyer or lessee for the privilege of using a
15 credit card to make payment. Charges imposed under approved state
16 or federal tariffs are not considered to be a surcharge, and
17 charges made under those tariffs are exempt from this section.

18 (2) This section does not apply to the offering of a
19 discount for the purpose of inducing payment by cash, check, or
20 other means not involving the use of a credit card, if the



21 discount is clearly and conspicuously offered to all prospective
22 customers.

23 (3) This section does not apply to a state agency, county,
24 municipality, community hospital or other governmental entity that
25 accepts a credit card for the payment of fees, taxes, or other
26 charges or accounts receivable, and assesses the user of the
27 credit card any fees or charges associated with the use of the
28 credit card as an additional charge for processing the credit card
29 payment, so that the user will pay the full cost of using the
30 credit card.

31 (4) A person who violates the provisions of this section is
32 guilty of a misdemeanor and, upon conviction, shall be punished by
33 imprisonment in the county jail for not more than sixty (60) days,
34 or by a fine of not more than Five Hundred Dollars (\$500.00), or
35 by both such imprisonment and fine.

36 (5) This section does not create a cause of action against
37 an individual for a violation of this section.

38 **SECTION 2.** This act shall take effect and be in force from
39 and after July 1, 2013.

