

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1791 Session of
1985

INTRODUCED BY LAUGHLIN, OCTOBER 16, 1985

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, OCTOBER 16, 1985

AN ACT

1 Amending the act of October 28, 1966 (1st Sp.Sess., P.L.55,
2 No.7), entitled "An act defining, regulating and relating to
3 retail installment contracts for all goods and services
4 except certain motor vehicles and home improvements;
5 prescribing the requirements of such contracts and
6 limitations on the enforcement thereof; and providing
7 remedies and penalties," providing that sellers cannot charge
8 or collect a credit card surcharge.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 201 of the act of October 28, 1966 (1st
12 Sp.Sess., P.L.55, No.7), known as the Goods and Services
13 Installment Sales Act, is amended by adding a clause to read:

14 Section 201. Unless the context or subject matter otherwise
15 requires, the definitions given in this article govern the
16 construction of this act.

17 * * *

18 (19) "Credit card surcharge" a fee or charge imposed by a
19 seller upon a buyer which increases the price of goods or
20 services to the buyer because the buyer uses a credit card to

1 purchase the goods or services. The term shall not include a
2 discount offered by a seller to a buyer who makes payment for
3 goods or services by cash, check or other means not involving a
4 credit card if such discount is offered to all prospective
5 buyers and its availability is clearly and conspicuously
6 disclosed to all prospective buyers.

7 Section 2. Section 501 of the act is amended by adding a
8 subsection to read:

9 Section 501. * * *

10 (d) No seller may charge or collect a credit card surcharge.

11 Section 3. Section 904 of the act is amended by adding a
12 clause to read:

13 Section 904. Subject to the other provisions of this article
14 the seller or holder of a retail installment account may charge,
15 receive and collect the service charge authorized by this act.
16 The service charge shall not exceed the following rates computed
17 on the outstanding balances from month to month:

18 * * *

19 (d) No seller may charge or collect a credit card surcharge.

20 Section 4. This act shall take effect in 60 days.