

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 750 Session of  
2013

---

INTRODUCED BY RAVENSTAHL, PARKER, THOMAS, DEASY, D. COSTA,  
KORTZ, WHITE, FABRIZIO, B. BOYLE, HARKINS, O'BRIEN, FRANKEL,  
DAVIS, BROWNLEE, CARROLL, CALTAGIRONE, MAHONEY, V. BROWN,  
PASHINSKI, KINSEY, COHEN, BOBACK, SNYDER, ROCK, MOUL, STERN,  
SWANGER, MILLARD AND MURT, FEBRUARY 14, 2013

---

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 14, 2013

---

AN ACT

1 Prohibiting retailers from imposing surcharges on transactions  
2 made with credit cards; providing for discounts for  
3 transactions made with cash consideration; and imposing  
4 penalties.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Credit Card  
9 Surcharge Prohibition Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Surcharge." Any additional amount imposed at the time of a  
15 sale or lease transaction by the seller or lessor that increases  
16 the charge to the buyer or lessee for the privilege of using a  
17 credit card to make payment. Charges imposed pursuant to

1 approved Federal or State tariffs shall not be considered a  
2 surcharge.

3 Section 3. Surcharge prohibition.

4 No retailer in any sales, service or lease transaction may  
5 impose a surcharge on a cardholder who elects to use a credit  
6 card in lieu of payment by cash, check or similar form of  
7 consideration.

8 Section 4. Cash discount provision.

9 A retailer may offer discounts for the purpose of inducing  
10 payments by cash, check or other means not involving the use of  
11 a credit card, provided that the discount is offered to all  
12 prospective buyers.

13 Section 5. Consumer remedies.

14 A retailer who willfully violates this act by imposing a  
15 surcharge on a cardholder who elects to use a credit card and  
16 who fails to repay the surcharge amount to the cardholder within  
17 30 days of a written demand by the cardholder to the retailer by  
18 certified mail, shall be liable to the cardholder for three  
19 times the amount at which actual damages are assessed. The  
20 cardholder shall also be entitled to recover reasonable attorney  
21 fees and cost incurred in the action. A cause of action under  
22 this act may be brought before a magisterial district justice,  
23 if it does not exceed the jurisdiction of that court or in any  
24 other appropriate court.

25 Section 6. Penalties.

26 A person who violates this act commits a summary offense and  
27 shall, upon conviction, be sentenced to pay a fine not less than  
28 \$300 but not more than \$1,000 or to imprisonment not exceeding  
29 90 days, or both, for each violation.

30 Section 7. Effective date.

1 This act shall take effect in 60 days.