

1.1 A bill for an act

1.2 relating to commerce; regulating surcharges on credit cards; amending Minnesota
1.3 Statutes 2006, section 325G.051, subdivision 1.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2006, section 325G.051, subdivision 1, is amended to
1.6 read:

1.7 Subdivision 1. **Limitation; prohibition.** (a) A seller of goods or services may
1.8 impose a surcharge on a purchaser who elects to use a credit card in lieu of payment
1.9 by cash, check, or similar means, provided (1) the seller informs the purchaser of the
1.10 surcharge both orally at the time of sale and by a sign conspicuously posted on the seller's
1.11 premises, and (2) the surcharge does not exceed five percent of the purchase price.

1.12 (b) When a purchaser uses a credit or debit card at an unattended point-of-sale card
1.13 reader that processes a transaction without the purchaser's signature, the seller does not
1.14 have to orally inform the purchaser of the surcharge but must post the sign required in
1.15 paragraph (a), clause (1).

1.16 (c) A seller of goods or services that establishes and is responsible for its own
1.17 customer credit card may not impose a surcharge on a purchaser who elects to use that
1.18 credit card in lieu of payment by cash, check, or similar means.

1.19 (d) A seller of goods or services may impose a minimum amount allowable for
1.20 purchases with a credit or debit card.

1.21 ~~(e)~~ (e) For purposes of this section "surcharge" means a fee or charge imposed by a
1.22 seller upon a buyer that increases the price of goods or services to the buyer because the
1.23 buyer uses a credit card to purchase the goods or services. The term does not include a
1.24 discount offered by a seller to a buyer who makes payment for goods or services by

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- 2.1 cash, check, or similar means not involving a credit card if the discount is offered to
- 2.2 all prospective buyers and its availability is clearly and conspicuously disclosed to all
- 2.3 prospective buyers.