

HOUSE BILL 1167

I3, I2

3lr3069

By: **Delegate Hixson**

Introduced and read first time: February 8, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Credit Cards – Surcharge on Sales Transactions –**
3 **Prohibition**

4 FOR the purpose of prohibiting a seller from imposing a certain surcharge, in any
5 sales transaction, on a cardholder who elects to use a credit card instead of
6 payment by cash, check, or similar means; defining certain terms; and generally
7 relating to credit card transactions in the State.

8 BY adding to

9 Article – Commercial Law

10 Section 13–320

11 Annotated Code of Maryland

12 (2005 Replacement Volume and 2012 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Commercial Law**

16 **13–320.**

17 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
18 **MEANINGS INDICATED.**

19 **(2) “CREDIT CARD” MEANS A CARD OR DEVICE ISSUED UNDER AN**
20 **AGREEMENT BY WHICH THE CREDIT CARD ISSUER GIVES TO A CARDHOLDER**
21 **RESIDING IN THE STATE THE PRIVILEGE OF OBTAINING CREDIT FROM THE**
22 **CREDIT CARD ISSUER OR ANOTHER PERSON IN CONNECTION WITH THE**
23 **PURCHASE OR LEASE OF GOODS OR SERVICES.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “CREDIT CARD ISSUER” MEANS A FINANCIAL INSTITUTION, A**
2 **LENDER OTHER THAN A FINANCIAL INSTITUTION, OR A MERCHANT THAT**
3 **RECEIVES APPLICATIONS AND ISSUES CREDIT CARDS TO INDIVIDUALS.**

4 **(4) “SURCHARGE” MEANS A:**

5 **(I) SEPARATE AND ADDITIONAL CHARGE; OR**

6 **(II) DISCOUNT OFFERED BY THE SELLER FOR THE PURPOSE**
7 **OF INDUCING PAYMENT BY CASH, CHECK, OR SIMILAR MEANS, RATHER THAN BY**
8 **CREDIT CARD.**

9 **(B) A SELLER MAY NOT IMPOSE A SURCHARGE, IN ANY SALES**
10 **TRANSACTION, ON A CARDHOLDER WHO ELECTS TO USE A CREDIT CARD**
11 **INSTEAD OF PAYMENT BY CASH, CHECK, OR SIMILAR MEANS.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2013.