



HOUSE BILL 20: Cash Commitment Act.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 3, 2023
Introduced by:	Reps. B. Jones, McNeely, Winslow, Lowery	Prepared by:	Amy Darden
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 20 would require businesses selling goods or services and health care providers to accept cash as a form of payment for sales made at a physical location during hours that the location is attended, subject to certain exceptions.*

BILL ANALYSIS: House Bill 20 would create new Article 51 – The Cash Commitment Act in Chapter 66 (Commerce and Business). Any person engaged in the business of selling goods or services at retail to the public and any health care provider must do the following if they accept in-person payments at a physical location:

- Accept cash as a form of payment for sales made at the physical location during the hours in which it is attended.
- Not charge cash-paying customers a higher price compared to customers not paying with cash.
- Persons are not required to accept cash payments in \$50.00 bills or larger.

These requirements would not apply to the following:

- Persons unable to accept cash due to a temporary sale system failure or because they temporarily lack sufficient cash on hand to make change.
- Persons who provide a device at the physical location that converts cash into a prepaid card if all of the following requirements are met:
 - There is no fee to use the device.
 - The device does not require a minimum deposit of more than \$1.00.
 - The funds on the prepaid card do not expire.
 - The device allows the customer to redeem any unused balance for cash at any time.
 - The device does not collect any personal identifying information.
 - There is no fee to use the prepaid card.
- Goods sold from a vending machine.
- Goods sold that are delivered to a customer outside of a physical location including but not limited to curbside pickup or delivery to the customer's location.
- A customer chooses to purchase goods utilizing a device, including but not limited to a smartphone, prior to payment.

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- The payment is processed for a good or service outside the physical location of the business.
- An employer provides goods or services to their employees, independent contractors, or vendors in an employer owned facility.
- A self-checkout device is utilized and the ability for the customer to utilize cash to purchase goods or services somewhere else in the business is available.
- Fuel is offered for sale when an employee of the business is not on duty at the place of business or when it is part of a membership club.
- Goods may be purchased and the location does not have an employee onsite whose primary job duties include accepting payment in any form.
- Payment is processed for vehicle wash services.
- A hotel, motel, tourist home, or similar establishment that provides lodging for pay and requires its guests to pay an initial deposit.
- Payment is required by credit card, charge card, or debit card as a security deposit for unforeseen damages or expenses associated with a short-term vehicle lease or rental.
- Venues that host any professional athletic activity.
- Venues that host any interscholastic athletic activity.
- Rental car companies, as defined by G.S. 58-33-17(a)(3).
- Insurance producers, as defined by G.S. 58-33-10(7).

The Secretary of Commerce may adopt rules to implement this act and proscribe additional exceptions. A civil penalty for a violation of this act may not exceed \$500 in any calendar month and \$2,000 in any calendar year. Any person assessed a civil penalty for a violation is not subject to the penalty if they come into compliance within 30 days of issuance of the penalty and remain in compliance. Upon complaint by the Secretary of Commerce for a violation of this Article, the Superior Court may issue an injunction.

EFFECTIVE DATE: This act would become effective October 1, 2023.