



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3128

Introduced 2/19/2021, by Rep. Jonathan Carroll

#### SYNOPSIS AS INTRODUCED:

815 ILCS 505/2WWW new

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that a seller must give notice to consumers when the seller imposes a surcharge on credit card transactions. Limits the surcharge to 1% of the transaction cost or the cost of the processing the credit card transaction, whichever is less. Prohibits surcharges in connection with debit card transactions. Applies to in person, online, and telephone transactions.

LRB102 12732 JLS 18071 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Consumer Fraud and Deceptive Business  
5 Practices Act is amended by adding Section 2WWW as follows:

6 (815 ILCS 505/2WWW new)

7 Sec. 2WWW. Credit card surcharge; notice requirements.

8 (a) No person, firm, partnership, association, or  
9 corporation engaged in a sales transaction may impose a  
10 surcharge or fee for use of a credit card as payment for the  
11 sale of goods or services unless such seller complies with the  
12 requirements of this Section.

13 (b) Displayed prices, including, but not limited to,  
14 advertisements, shall display the total price charged to  
15 consumers using a credit card or, if the seller elects,  
16 display 2 prices, one of which is the price charged to  
17 consumers using a credit card and the other is the price  
18 charged to consumers using an accepted form of payment other  
19 than a credit card.

20 (c) A notice shall be posted that explains the imposition  
21 of the surcharge or fee, the amount of the surcharge or fee and  
22 which credit cards are subject to the surcharge or fee. The  
23 notice shall be legible and posted at the point of entry and

1 the point of sale. If the sale of goods or services is  
2 processed through a website, the seller must post the notice  
3 on the home page and the point of sale webpage. If the sale of  
4 goods or services is processed over the phone, the notice  
5 including all required information shall be orally disclosed  
6 to the customer. The notice required by this Section shall be  
7 prominently and conspicuously posted at the required locations  
8 in at least 16-point type.

9 (d) No surcharge or fee may exceed 1% of the total  
10 transaction or the actual amount to be charged to the seller to  
11 process the credit card transaction, whichever is less.

12 (e) No seller shall impose a surcharge or fee for the use  
13 of a debit card.

14 (f) A violation of this Section is an unlawful practice  
15 within the meaning of this Act.