

CHAPTER 28

AN ACT concerning payments by consumers and amending Title 56 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 1 of P.L.2019, c.50 (C.56:8-2.33) is amended to read as follows:

C.56:8-2.33 Discrimination against cash-paying customers prohibited; violations, penalties; exceptions.

1. a. A person selling or offering for sale goods or services at retail shall not require a buyer to pay using credit or prohibit cash as payment in order to purchase the goods or services. A person selling or offering for sale goods or services at retail shall accept legal tender when offered by the buyer as payment.

b. A person in violation of subsection a. of this section shall be subject to a civil penalty of up to \$2,500 for a first offense and up to \$5,000 for a second offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

A third violation of subsection a. of this section is an unlawful practice under P.L.1960, c.39 (C.56:8-1 et seq.), and for the purposes of this subsection shall be considered a first offense under P.L.1960, c.39 (C.56:8-1 et seq.).

A fourth or subsequent violation of subsection a. of this section is an unlawful practice under P.L.1960, c.39 (C.56:8-1 et seq.), and for the purposes of this subsection shall be considered a subsequent offense under P.L.1960, c.39 (C.56:8-1 et seq.).

c. The provisions of this section shall not apply to:

(1) any person selling goods or services at an airport, provided that at least two persons selling food at each terminal within the airport accept cash as payment;

(2) any parking facility owned by a municipality, regardless of whether the facility is operated by the municipality, a parking authority, or an independent third party;

(3) any parking facility that accepts mobile payment, provided that the facility does not accept payment by any means other than mobile payment;

(4) any company in the business of renting motor vehicles, provided that the company accepts a cashier's check or a certified check when offered by a buyer as payment; and

(5) any sports or entertainment venue with a seating capacity of 10,000 or more irrespective of the event held at the venue.

d. As used in this section, "at retail" shall include any retail transaction conducted in person and exclude any telephone, mail, or Internet-based transaction.

2. This act shall take effect immediately.

Approved March 1, 2021.