

2024 Regular Session

HOUSE BILL NO. 448

BY REPRESENTATIVE MANDIE LANDRY

COMMERCE: Requires a cash option for certain retail transactions

1 AN ACT

2 To enact Part I-A of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 51:11 through 14, relative to retail transactions; to provide for
4 payment options for retail transactions; to provide for definitions; to provide for
5 legislative intent; to prohibit certain cashless retail transactions; to provide for
6 exceptions and limitations; to provide for notice; to provide for civil penalties; to
7 provide for effectiveness; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part I-A of Chapter 1 of Title 51 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 51:11 through 14, is hereby enacted to read as follows:

11 PART I-A. CONSUMER PAYMENT CHOICE

12 §11. Legislative intent

13 It is the intent of the legislature to ensure that every consumer has the choice
14 to use cash as payment at a retail business that accepts in-person payments.
15 Consistent with this intent, by requiring a cash option for certain retail transactions,
16 the state will promote interstate commerce and economic growth in businesses,
17 safeguard the privacy of consumers who use cash to avoid unwanted digital data
18 collection and identity theft, and provide equal consumer access to goods or services
19 for consumers whose only accessible method of payment is cash.

1 §12. Definitions

2 As used in this Subpart, the following terms have the following meanings
3 unless the context clearly indicates otherwise:

4 (1) "Cash" means coins and currency of the United States, including Federal
5 Reserve notes.

6 (2) "Cashless retail transaction" means the exchange of funds for goods or
7 services by check, debit or credit card, or other electronic methods rather than the use
8 of cash.

9 (3) "Consumer" means any person who uses, purchases, or leases goods or
10 services.

11 (4) "Consumer good or service" means any product, merchandise, food, or
12 service that a merchant or retail business offers for sale or lease. "Consumer good
13 or service" does not include services provided by a public utility.

14 §13. Prohibition on certain cashless retail transactions; applicability; exceptions;
15 statutory limitations

16 A. This Section applies to a retail business only if the business has an
17 individual accepting payment in person for the consumer goods and services being
18 offered. For the purposes of this Section, the term "retail business" means a physical
19 location where consumer goods or services are offered for sale or lease through an
20 in-person transaction. The term "retail business" does not include either of the
21 following:

22 (1) Telephone, mail, or internet transactions.

23 (2) Transactions for the rental of consumer goods, services, or
24 accommodations for which posting of collateral or security is typically required.

25 B. Except as provided in Subsection D of this Section, a retail business
26 offering goods or services for sale shall accept cash as a form of payment for sales
27 made in an amount up to and including five hundred dollars per transaction.

28 C. A retail business shall not do any of the following:

1 (1) Charge a higher price to a consumer who pays with cash, but it may
2 charge less to a consumer who pays with cash.

3 (2) Require a consumer who pays with cash to use automated machines that
4 convert cash into a prepaid card. This Paragraph does not apply to a retail business
5 that provides a device on premises which converts cash into a prepaid card and
6 allows a consumer to complete a transaction at the retail business if the device on the
7 premises does all of the following:

8 (a) Provides each consumer with a receipt upon request indicating the
9 amount of cash such consumer deposited onto the prepaid card.

10 (b) Does not charge any fee for the use of the prepaid card or require a
11 minimum cash deposit amount greater than five dollars.

12 (c) Provides a prepaid card that is not subject to an expiration date and has
13 no limit on the number of transactions that may be completed with the prepaid card.

14 D. This Section does not apply to any of the following:

15 (1) A bank or credit union as defined in R.S. 6:2.

16 (2) A retail transaction in which a retail business requires a consumer to do
17 either of the following:

18 (a) Place a security deposit on a credit card.

19 (b) Provide a credit card number to cover unforeseen damages or expenses.

20 (3) A retail business if the business is unable to accept cash as a result of
21 either of the following:

22 (a) A sale system failure that temporarily prevents processing cash payments.

23 (b) Temporarily having insufficient cash on-hand to make change.

24 §14. Enforcement; notice; penalties for violation

25 A. The Department of Justice, consumer protection section shall adopt
26 policies and procedures necessary to provide sufficient notice of the provisions of
27 this Subpart to each retail business in the state.

1 B.(1) The attorney general, within sixty days of being notified of the
2 violation, shall send notice to a retail business when the retail business is not in
3 compliance with this Subpart.

4 (2) The attorney general may bring an action for injunctive relief in a court
5 of competent jurisdiction to enjoin any violation of this Subpart after sixty days of
6 notice, and the attorney general may recover court costs for an action brought
7 pursuant to this Paragraph. In addition to injunctive relief and court costs, the
8 attorney general may request and the court may impose a civil penalty of not more
9 than one thousand dollars for the first offense and not more than two thousand
10 dollars for any subsequent offense.

11 Section 2. This Act shall be known and may be cited as the "Consumer Payment
12 Choice Act".

13 Section 3. This Act shall become effective on August 1, 2025.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 448 Original

2024 Regular Session

Mandie Landry

Abstract: Requires certain businesses to accept cash as a payment option for in-person transactions.

Proposed law defines "cash", "cashless retail transaction", "consumer", and "consumer good or service".

Proposed law provides for legislative intent in requiring a cash option for certain retail transactions.

Proposed law applies to retail businesses that offer in-person services and does not include either of the following:

- (1) Telephone, mail, or internet transactions.
- (2) Transactions that require posting of collateral or security.

Proposed law prohibits a retail business from charging a higher price for cash or requiring a consumer to convert cash into a prepaid card under certain circumstances.

Proposed law does not apply to any of the following:

- (1) Banks or credit unions.

- (2) Retail businesses that require a consumer to place a credit card on file for security or other unforeseen expenses.
- (3) Retail businesses that may be temporarily unable to accept cash under certain circumstances.

Proposed law provides that the Dept. of Justice shall adopt rules and procedures to provide notice to retail businesses in the state.

Proposed law permits the attorney general's office to bring an action for injunctive relief, recover court costs, and impose civil penalties of \$1,000 for the first offense and \$2,000 for a subsequent offense.

Proposed law establishes the "Consumer Payment Choice Act".

Effective August 1, 2025.

(Adds R.S. 51:11-14)