

56:8-2.33
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2019 **CHAPTER:** 50

NJSA: 56:8-2.33 (Prohibits discrimination against cash-paying consumers.)

BILL NO: A591 (Substituted for S2785)

SPONSOR(S) Paul D. Moriarty and others

DATE INTRODUCED: 1/9/2018

COMMITTEE: **ASSEMBLY:** Consumer Affairs

SENATE: Commerce

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 1/31/2019

SENATE: 1/31/2019

DATE OF APPROVAL: 3/18/2019

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Third Reprint enacted) Yes

A591

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

S2785

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Law bans cashless shops, eateries Cash New Jersey just the second state to protect cash as king
Star-Ledger, The (Newark, NJ) - March 19, 2019

N.J. stores, restaurants must accept cash under new law
Times, The (Trenton, NJ) - March 19, 2019

New law bans cashless shops and eateries
South Jersey Times (NJ) - March 20, 2019

RWH/JA

P.L. 2019, CHAPTER 50, *approved March 18, 2019*
Assembly, No. 591 (*Third Reprint*)

1 AN ACT concerning payments by consumers and supplementing
2 P.L.1960, c.39 (C.56:8-1 et seq.).

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. ¹**It** shall be an unlawful practice and a violation of
8 P.L.1960, c.39 (C.56:8-1 et seq.) for a **a** ¹**A** person selling or
9 offering for sale goods or services at retail ¹**to** shall not¹ require a
10 buyer to pay using credit or to prohibit cash as payment in order to
11 purchase the goods or services. A person selling or offering for sale
12 goods or services at retail shall accept legal tender when offered by
13 the buyer as payment.

14 ¹**b.** A person in violation of subsection a. of this section shall be
15 subject to a civil penalty of up to \$2,500 for a first offense and up to
16 \$5,000 for a second offense, to be collected in a civil action by a
17 summary proceeding under the "Penalty Enforcement Law of
18 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court
19 shall have jurisdiction of proceedings for the enforcement of the
20 penalty provided by this section.

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

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

29 c.¹ ²The provisions of this section shall not apply to:

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

33 (2) any parking facility owned by a municipality, regardless of
34 whether the facility is operated by the municipality, a parking
35 authority, or an independent third party; ³**and**³

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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ACO committee amendments adopted June 11, 2018.

²Senate SCM committee amendments adopted December 3, 2018.

³Senate floor amendments adopted December 17, 2018.

1 (4) any company in the business of renting motor vehicles,
2 provided that the company accepts a cashier's check or a certified
3 check when offered by a buyer as payment³.

4 d.² As used in this section, "at retail" shall include any retail
5 transaction conducted in person and exclude any telephone, mail, or
6 Internet-based transaction.

7
8 2. This act shall take effect immediately.

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13

Prohibits discrimination against cash-paying consumers.

ASSEMBLY, No. 591

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

SYNOPSIS

Prohibits discrimination against cash-paying consumers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/12/2018)

1 AN ACT concerning payments by consumers and supplementing
2 P.L.1960, c.39 (C.56:8-1 et seq.).

3

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

6

7 1. It shall be an unlawful practice and a violation of P.L.1960,
8 c.39 (C.56:8-1 et seq.) for a person selling or offering for sale goods
9 or services at retail to require a buyer to pay using credit or to
10 prohibit cash as payment in order to purchase the goods or services.
11 A person selling or offering for sale goods or services at retail shall
12 accept legal tender when offered by the buyer as payment.

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

16

17 2. This act shall take effect immediately.

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STATEMENT

21

22 This bill prohibits discrimination against consumers paying for
23 goods or services with cash.

24 Specifically, the bill makes it an unlawful practice under the
25 consumer fraud act for a person to sell or offer for sale any goods or
26 services at retail if the person requires the buyer to pay with credit
27 or prohibits the buyer from paying with cash. The bill is applicable
28 to any retail transaction conducted in-person, and excludes
29 telephone, mail, or Internet-based transactions.

30 An unlawful practice is punishable by a monetary penalty of not
31 more than \$10,000 for a first offense and not more than \$20,000 for
32 any subsequent offense. Additionally, violations can result in cease
33 and desist orders issued by the Attorney General, the assessment of
34 punitive damages, and the awarding of treble damages and costs to
35 the injured party.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 591

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 11, 2018

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 591.

As amended and reported by the committee, this bill prohibits discrimination against consumers paying for goods or services with cash.

Specifically, the bill prohibits a person from selling or offering for sale any goods or services at retail if the person requires the buyer to pay with credit or prohibits the buyer from paying with cash. The bill applies to any retail transaction conducted in-person, and excludes telephone, mail, or Internet-based transactions.

A civil penalty of up to \$2,500 would be imposed for a first violation of the bill's provisions, and up to \$5,000 for a second violation. A third violation would be an unlawful practice under the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), and would be considered a first offense under the consumer fraud act. A fourth or subsequent violation of the bill's provisions would be an unlawful practice under the consumer fraud act, and would be considered a subsequent offense under that act.

An unlawful practice is punishable by a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense. Additionally, violations can result in cease and desist orders issued by the Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to the injured party.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments change the penalty provisions under the bill. As introduced, a violation of the bill was an unlawful practice under the consumer fraud act. The amendments provide that the penalty for a first and second offense would be a fine, and a third or subsequent offense would be an unlawful practice under the consumer fraud act.

SENATE COMMERCE COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 591

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2018

The Senate Commerce Committee reports favorably and with committee amendments Assembly Bill No. 591(1R).

This bill, as amended, prohibits discrimination against consumers paying for goods or services with cash.

Specifically, the bill prohibits a person from selling or offering for sale any goods or services at retail if the person requires the buyer to pay with credit or prohibits the buyer from paying with cash. The bill applies to any retail transaction conducted in-person, and excludes telephone, mail, or Internet-based transactions.

A civil penalty of up to \$2,500 would be imposed for a first violation of the bill's provisions, and up to \$5,000 for a second violation. A third violation would be an unlawful practice under the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), and would be considered a first offense under the consumer fraud act. A fourth or subsequent violation of the bill's provisions would be an unlawful practice under the consumer fraud act, and would be considered a subsequent offense under that act.

An unlawful practice is punishable by a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense. Additionally, violations can result in cease and desist orders issued by the Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to the injured party.

The provisions of the bill do 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; and
- (3) any parking facility that accepts mobile payment, provided that the facility does not accept payment by any means other than mobile payment.

COMMITTEE AMENDMENTS:

The committee amended the bill to provide that the provisions of the bill do 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; and
3. Any parking facility that accepts mobile payment, provided that the facility does not accept payment by any means other than mobile payment.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 591

with Senate Floor Amendments
(Proposed by Senator POU)

ADOPTED: DECEMBER 17, 2018

This floor amendment exempts from the provisions of the bill companies in the business of renting motor vehicles. Motor vehicle companies would not be required to accept cash, provided they accept cashier's checks or certified checks.

SENATE, No. 2785

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 25, 2018

Sponsored by:
Senator NELLIE POU
District 35 (Bergen and Passaic)

SYNOPSIS

Prohibits discrimination against cash-paying consumers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning payments by consumers and supplementing
2 P.L.1960, c.39 (C.56:8-1 et seq.).

3

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

6

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

12 b. A person in violation of subsection a. of this section shall be
13 subject to a civil penalty of up to \$2,500 for a first offense and up to
14 \$5,000 for a second offense, to be collected in a civil action by a
15 summary proceeding under the "Penalty Enforcement Law of
16 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court
17 shall have jurisdiction of proceedings for the enforcement of the
18 penalty provided by this section.

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

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

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

30

31 2. This act shall take effect immediately.

32

33

34

STATEMENT

35

36 This bill prohibits discrimination against consumers paying for
37 goods or services with cash.

38 Specifically, the bill prohibits a person from selling or offering
39 for sale any goods or services at retail if the person requires the
40 buyer to pay with credit or prohibits the buyer from paying with
41 cash. The bill applies to any retail transaction conducted in-person,
42 and excludes telephone, mail, or Internet-based transactions.

43 A civil penalty of up to \$2,500 would be imposed for a first
44 violation of the bill's provisions, and up to \$5,000 for a second
45 violation. A third violation would be an unlawful practice under the
46 consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), and would be
47 considered a first offense under the consumer fraud act. A fourth or
48 subsequent violation of the bill's provisions would be an unlawful

S2785 POU

3

1 practice under the consumer fraud act, and would be considered a
2 subsequent offense under that act.

3 An unlawful practice is punishable by a monetary penalty of not
4 more than \$10,000 for a first offense and not more than \$20,000 for
5 any subsequent offense. Additionally, violations can result in cease
6 and desist orders issued by the Attorney General, the assessment of
7 punitive damages, and the awarding of treble damages and costs to
8 the injured party.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2785

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2018

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 2785.

This bill, as amended, prohibits discrimination against consumers paying for goods or services with cash.

Specifically, the bill prohibits a person from selling or offering for sale any goods or services at retail if the person requires the buyer to pay with credit or prohibits the buyer from paying with cash. The bill applies to any retail transaction conducted in-person, and excludes telephone, mail, or Internet-based transactions.

A civil penalty of up to \$2,500 would be imposed for a first violation of the bill's provisions, and up to \$5,000 for a second violation. A third violation would be an unlawful practice under the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), and would be considered a first offense under the consumer fraud act. A fourth or subsequent violation of the bill's provisions would be an unlawful practice under the consumer fraud act, and would be considered a subsequent offense under that act.

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The committee amended the bill to provide that the provisions of the bill do not apply to:

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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; and
3. Any parking facility that accepts mobile payment, provided that the facility does not accept payment by any means other than mobile payment.

STATEMENT TO
[First Reprint]
SENATE, No. 2785

with Senate Floor Amendments
(Proposed by Senator POU)

ADOPTED: DECEMBER 17, 2018

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Newark, N.J.

Governor Murphy Takes Action on Legislation

03/18/2019

TRENTON – Today, Governor Phil Murphy signed the following bills into law

AJR-149 (Schepisi, Jasey, Johnson/Pou, T. Kean) – Designates September of each year as “Brain Aneurysm Awareness Month” in New Jersey.

AJR-164 (Benson, Zwicker, Lampitt/Diegnan, T. Kean) – Establishes "New Jersey Advanced Autonomous Vehicle Task Force."

A-591 (Moriarty, Reynolds-Jackson, Jimenez/Pou, Cruz-Perez) – Prohibits discrimination against cash-paying consumers.

A-1400 (A.M. Bucco, Caputo, DeCroce, Johnson/A.R. Bucco, Gopal) – Revises law governing Class Three special law enforcement officer.

A-4073 (Holley, Carter, Kennedy, Quijano/Scutari, Cryan) – Designates portion of State Highway Route 27 in Union County as "Jerry Green Memorial Highway."

A-4177 (Pintor Marin, Mukherji, Downey/Singleton, Ruiz) – Allows county homelessness trust funds to be used for code blue emergency shelter services.

A-4701 (Spearman, Chiaravalloti, Mukherji, Quijano/Ruiz, Cunningham) – Requires DHS to establish electronic portal to promote surplus food donation collaboration among nonprofit organizations, gleaners, and food retailers.

A-4734 (Land, Taliaferro, Mukherji/Beach, C.A. Brown) – Appropriates \$1,190,349 from constitutionally dedicated CBT revenues to NJ Historic Trust for historic site management grants to certain historic preservation projects and associated administrative expenses.

S-121 (Weinberg, Gill/McKeon, Bramnick, Vainieri Huttle) – Bars provisions in employment contracts that waive rights or remedies; bars agreements that conceal details relating to discrimination claims.

S-641 (Beach, Bateman/Munoz, Thomson, Lampitt) – Upgrades penalty for failing to report act of sexual abuse against child.

S-746 (Diegnan, Cruz-Perez/Vainieri Huttle, Pinkin, Chiaravalloti) – Permits certain audiologists to dispense and fit hearing aids.

S-1073 (Smith, Bateman, Codey, Greenstein/McKeon, Pinkin, Tucker) – Authorizes municipalities, counties, and certain authorities to establish stormwater utilities.

S-1773 (Diegnan, Gopal/Calabrese, Chiaravalloti, Tully) – Requires display of identifying information on rear of school bus so public may report bus driver misconduct.

S-2454 (Madden/Murphy, Houghtaling, Downey) – Concerns prevailing wage requirements for certain fabrication.

S-2712 (Ruiz, Madden/Lampitt, Murphy) – Mandates certain training for DOE arbitrators.

S-2714 (Ruiz, Madden/Lampitt, Armato, Murphy) – Requires school districts to notify State Board of Examiners when teaching staff member fails to report child abuse for determination of revocation or suspension of certificate.

S-2715 (Madden, Ruiz/Lampitt, Reynolds-Jackson) – Requires Attorney General to develop protocol for retaining footage from school surveillance system.

S-2773 (Pou/Greenwald, Lopez, Vainieri Huttle) – Clarifies definition of health care service firms and homemaker-home health aides.

S-2922 (Vitale, O'Scanlon/Vainieri Huttle, DiMaso) – Revises standard for presence of medical examiner during removal of anatomical gift from decedent.

Governor Murphy also announced that he has conditionally vetoed the following bills:

A-4904 (Mukherji, Quijano, Mazzeo/Cryan, Sweeney) – Concerns property taxes due and owing on real property owned by certain federal employees or contractors under certain circumstances.

[Copy of Statement on A-4904](#)

S-2129 (Cruz-Perez, Turner/Wimberly, Armato, Lopez, Mazzeo) – Directs certain unclaimed electric and gas utility deposits in Unclaimed Utility Deposits Trust Fund and societal charge revenues be paid to Statewide nonprofit energy assistance organizations meeting certain eligibility criteria.

[Copy of Statement on S-2129](#)

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