**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑1‑100 SO AS TO PROHIBIT A SELLER FROM IMPOSING A SURCHARGE ON A CONSUMER WHO ELECTS TO USE A CREDIT CARD IN LIEU OF PAYMENT BY CASH, CHECK, OR SIMILAR MEANS, TO PROVIDE CLARIFICATION AND EXCEPTIONS, TO PROVIDE PENALTIES, AND TO DEFINE TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 39 of the 1976 Code is amended by adding:

“Section 39‑1‑100. (A) No seller in any sales, service, or lease transaction with a consumer may impose a surcharge on a cardholder who elects to use a credit card in lieu of payment by cash, check, or similar means. A seller may, however, offer discounts for the purpose of inducing payment by cash, check, or other means not involving the use of a credit card, provided that the discount is offered to all prospective buyers.

(B) Nothing in this section shall prohibit any seller from conditioning acceptance of a credit card on a buyer’s minimum purchase.

(C) This section does not apply if the seller only accepts credit cards in payment for an order made by a consumer over a telephone, and only cash is accepted at a public store or other facility of the same seller.

(D) Any seller who violates the provisions of this section is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars or imprisonment up to one year, or both.

(E) For purposes of this section, ‘surcharge’ means any additional amount imposed at the time of a sale or lease transaction by the seller that increases the charge to the buyer or lessee for the privilege of using a credit card to make payment.”

SECTION 2. This act takes effect upon approval by the Governor.

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