

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1299

Introduced by

Representatives B. Koppelman, Christensen, Kasper, Louser, Marschall, M. Nelson

Senators Clemens, Heitkamp, Meyer

1 A BILL for an Act to create and enact a new section to chapter 51-15 of the North Dakota
2 Century Code, relating to prohibiting a retail establishment from refusing to accept cash as
3 payment; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 51-15 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Cashless retail prohibition - Discrimination against cash-paying customers**
8 **prohibited - Exceptions - Penalty.**

9 1. As used in this section:

10 a. "Cash" means any United States coin or currency used as legal tender. The term
11 does not include:

12 (1) Foreign currency or foreign metal coin; or

13 (2) Any paper instrument other than a federal reserve note, including any
14 check, bond, or promissory note.

15 b. "Retail establishment" means any business that operates at a fixed and physical
16 premises, has a permanent address within the state, and offers merchandise for
17 sale. The term does not include:

18 (1) A business without a physical premises;

19 (2) A business operating from a vehicle or other mobile space;

20 (3) A business operating from a temporary physical premises; or

21 (4) A charitable organization offering merchandise for sale at a charitable event
22 or for a charitable cause.

23 2. Except as otherwise provided by this section, it is a deceptive act or practice in
24 violation of this chapter for a retail establishment to:

- 1 a. Refuse to accept cash as payment for any merchandise offered for sale by the
- 2 retail establishment.
- 3 b. Require a customer to pay for merchandise offered for sale using a credit card,
- 4 debit card, charge card, or any other card-based payment.
- 5 c. Post signs on the premises stating cash payment is not accepted.
- 6 d. Charge a higher price for the same merchandise to a customer who uses cash as
- 7 payment than the customer would pay using any other form of payment.
- 8 3. A retail establishment may refuse to accept cash:
- 9 a. In any denomination larger than a twenty-dollar bill;
- 10 b. If the retail establishment reasonably suspects the cash to be counterfeit;
- 11 c. For any telephone, mail, mobile, catalog, or internet-based transaction, unless
- 12 the payment for the transaction takes place on the premises of the retail
- 13 establishment;
- 14 d. For a transaction at a wholesale club selling merchandise through a membership
- 15 model;
- 16 e. For transactions for the rental of merchandise or accommodations for which
- 17 posting of collateral or security is typically required; and
- 18 f. At a parking facility that accepts mobile payment, provided the facility does not
- 19 accept payment by any means other than mobile payment.
- 20 4. Notwithstanding any other provision of law:
- 21 a. If a complaint is made to the attorney general that a retail establishment is in
- 22 violation of this section, the attorney general shall investigate the alleged
- 23 violation. To conduct an investigation, the attorney general may subpoena
- 24 witnesses, administer oaths, take testimony, and require the production of books
- 25 or other documents.
- 26 b. If, after investigating, the attorney general finds a retail establishment has
- 27 engaged in or is engaging in any practice declared to be unlawful by this section,
- 28 the attorney general shall issue a cease and desist order and may impose by
- 29 order and collect a civil penalty against any retail establishment found in an
- 30 adjudicative proceeding to have violated this section. The attorney general may
- 31 bring an action in district court to recover penalties under this section.

- 1 c. A retail establishment violating this section is subject to a civil penalty not to
- 2 exceed two hundred fifty dollars for a first offense, and a civil penalty not to
- 3 exceed five hundred dollars for a subsequent offense.