

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 20
PROPOSED COMMITTEE SUBSTITUTE H20-PCS40462-BB-6

Short Title: Cash Commitment Act.

(Public)

Sponsors:

Referred to:

January 30, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT RETAIL BUSINESSES AND HEALTH CARE PROVIDERS FROM
3 REFUSING CASH PAYMENTS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 66 of the General Statutes is amended by adding a new Article
6 to read:

7 "Article 51.

8 "Cash Commitment Act.

9 **"§ 66-501. Short title and purpose.**

10 This Article may be cited as the Cash Commitment Act. The purpose of this Article is to
11 ensure that every consumer has the right to use cash at retail businesses and health care providers
12 that accept in-person payments.

13 **"§ 66-502. Retail businesses prohibited from refusing cash payments.**

14 (a) The following requirements must be met by any person that engages in the business
15 of selling goods or services at retail to the public and any health care provider if they accept
16 in-person payments at a physical location:

17 (1) The person shall accept cash as a form of payment for sales made at the
18 physical location during the hours in which the physical location is attended
19 by an owner, operator, or other employee.

20 (2) The person shall not charge cash-paying customers a higher price compared
21 to the price charged to customers not paying with cash.

22 (b) Subsection (a) of this section does not apply to any of the following circumstances:

23 (1) A person is unable to accept cash either because of a sale system failure that
24 temporarily prevents the processing of cash payments or because the person
25 temporarily lacks sufficient cash on hand to make change.

26 (2) A person provides to customers a device at the physical location that converts
27 cash into a prepaid card, so long as all of the following requirements are met:

28 a. There is no fee for the use of the device.

29 b. The device does not require a minimum deposit of more than one
30 dollar (\$1.00).

31 c. Any funds placed on the prepaid card do not expire.

32 d. The device allows the customer to redeem any unused balance for cash
33 at any time.

34 e. The device does not collect any personal identifying information from
35 the customer.

36 f. There is no fee to use the prepaid card.



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1 The person may impose a limit to the number of transactions for which a single
2 prepaid card may be used.

3 (3) Goods are sold from a vending machine.

4 (4) Goods sold that are delivered to a customer outside of a physical location,
5 including, but not limited to, curbside pickup or delivery to the customer's
6 location.

7 (5) A customer chooses to purchase goods utilizing a device, including, but not
8 limited to, a smartphone, prior to payment.

9 (6) The payment is processed for a good or service outside the physical location
10 of the business.

11 (7) An employer provides goods or services to their employees, independent
12 contractors, or vendors in an employer-owned facility.

13 (8) A self-checkout device is utilized, and the ability for the customer to utilize
14 cash to purchase goods or services somewhere else in the business is available.

15 (9) Fuel is offered for sale when an employee of the business is not on duty at the
16 place of business or when it is part of a membership club.

17 (10) Goods may be purchased and the location does not have an employee on-site
18 whose primary job duties include accepting payment in any form.

19 (11) Payment is processed for vehicle wash services.

20 (12) A hotel, motel, tourist home, or similar establishment that provides lodging
21 for pay and requires its guests to pay an initial deposit.

22 (13) Payment is required by credit card, charge card, or debit card as a security
23 deposit for unforeseen damages or expenses associated with a short-term
24 vehicle lease or rental.

25 (c) Subsection (a) of this section does not apply to any of the following locations:

26 (1) Venues that host any professional athletic activity.

27 (2) Venues that host any interscholastic athletic activity.

28 (3) Rental car companies, as defined by G.S. 58-33-17(a)(3).

29 (4) Insurance producers, as defined by G.S. 58-33-10(7).

30 (d) This section does not apply to Consumer Finance Companies licensed and doing
31 business under Chapter 53 of the General Statutes or doing business pursuant to Chapter 25A of
32 the General Statutes.

33 "**§ 66-503. Right to not accept large bills.**

34 Notwithstanding G.S. 66-502, this Article does not require a person to accept cash payments
35 in fifty dollar (\$50.00) bills or any larger bill.

36 "**§ 66-504. Rulemaking; civil penalty.**

37 (a) The Secretary of Commerce may adopt rules to implement this Article and may
38 prescribe additional exceptions to the requirements of G.S. 66-502(a).

39 (b) A person who violates this Article is subject to a penalty of up to five hundred dollars
40 (\$500.00) per violation, not to exceed five hundred dollars (\$500.00) in any calendar month or
41 two thousand dollars (\$2,000) in any calendar year. A person who is assessed a civil penalty for
42 a violation of this Article is not subject to the civil penalty provided in this subsection if the
43 person establishes that the person came into compliance with this Article within 30 days of the
44 issuance of the civil penalty and the person has remained in compliance with this Article. The
45 Superior Court, on complaint by the Secretary of Commerce for a violation of this Article, may
46 issue an injunction against such violation."

47 **SECTION 2.** This act becomes effective October 1, 2023.