

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40010-MU-6

Short Title: Cash Commitment Act.

(Public)

Sponsors: Representative B. Jones.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT RETAIL BUSINESSES FROM REFUSING CASH PAYMENTS.
3 The General Assembly of North Carolina enacts:

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

6 "Article 51.

7 "Cash Commitment Act.

8 **§ 66-501. Short title and purpose.**

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

12 **§ 66-502. Retail businesses prohibited from refusing cash payments.**

13 (a) Any person that engages in the business of selling goods or services at retail to the
14 public and that accepts in-person payments at a physical location in this State shall satisfy both
15 of the following requirements:

16 (1) The person shall accept cash as a form of payment for sales made at the
17 physical location.

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

20 (b) Subsection (a) of this section does not apply to a person in any of the following
21 circumstances:

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

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



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

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

(a) Notwithstanding G.S. 66-502, this Article does not require a person to accept cash payments in one hundred dollar (\$100.00) bills or any larger bill. This subsection expires five years after the effective date of this act.

(b) The Secretary of Commerce shall adopt a rule to be effective when subsection (a) of this section expires that provides which denominations of bills a person subject to this Article is not required to accept. In any event, however, a person subject to this Article is required to accept one dollar (\$1.00), five dollar (\$5.00), ten dollar (\$10.00), twenty dollar (\$20.00), and fifty dollar (\$50.00) bills.

"§ 66-504. Rulemaking; civil penalty.

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

(b) The Secretary of Commerce may assess a civil penalty against a person that violates this Article not to exceed two thousand five hundred dollars (\$2,500) for the first violation or five thousand dollars (\$5,000) for a subsequent violation. The clear proceeds of civil penalties imposed pursuant to this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

"§ 66-505. Private right of action.

(a) A person may bring a civil action and may seek relief, including injunctive relief, against a person that violates this Article.

(b) Upon the motion of an individual bringing a civil action under this section, the court may appoint an attorney for the individual and may waive the assessment of court costs.

(c) Upon the application of the Attorney General, the court may allow the Attorney General to intervene in a civil action brought under this section if the Attorney General certifies that the action is of general public importance.

(d) The court may award reasonable attorneys' fees to a party that prevails in a civil action brought under this section."

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