

116TH CONGRESS  
1ST SESSION

# H. R. 2650

To prohibit retail businesses from refusing cash payments, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2019

Mr. PAYNE introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To prohibit retail businesses from refusing cash payments, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Payment Choice Act  
5       of 2019”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) Section 5103 of title 31, United States  
9       Code, provides that United States coins and cur-

1        rency “are legal tender for all debts, public charges,  
2        taxes, and dues”.

3            (2) A growing number of retail establishments,  
4        across the nation, have adopted “cashless policies”,  
5        declaring that they refuse to accept United States  
6        cash payment from their customers and, instead, re-  
7        quire that payment for the goods and services of-  
8        fered by such retailers be made only with credit  
9        cards, debit cards, or digital payment methods that  
10       result in electronic transfers of funds to the retailer.

11 **SEC. 3. RETAIL BUSINESSES PROHIBITED FROM REFUSING**  
12 **CASH PAYMENTS.**

13        (a) IN GENERAL.—Subchapter I of chapter 51 of title  
14 31, United States Code, is amended by adding at the end  
15 the following:

16 **“§ 5104. Retail businesses prohibited from refusing**  
17 **cash payments**

18        “(a) IN GENERAL.—No person selling or offering  
19 goods or services at retail to the public may—

20            “(1) refuse to accept United States legal tender  
21 of cash as payment for goods or services;

22            “(2) post signs or notices in, on, or about the  
23 business premises of such person stating that cash  
24 payment is not accepted; or

1           “(3) charge a higher price to any customer who  
2           pays by cash than customarily is charged to a cus-  
3           tomer using other forms of payment.

4           “(b) EXCEPTION.—Subsection (a) shall not apply to  
5           any goods or services sold to the public by telephone, mail,  
6           or internet.

7           “(c) ENFORCEMENT.—

8           “(1) PREVENTATIVE RELIEF.—Whenever any  
9           person has engaged, or there are reasonable grounds  
10          to believe that any person is about to engage in any  
11          act or practice prohibited by this section, a civil ac-  
12          tion for preventive relief, including an application for  
13          a permanent or temporary injunction, restraining  
14          order, or other order may be brought against such  
15          person.

16          “(2) CIVIL PENALTIES.—Any person who vio-  
17          lates this section shall—

18                  “(A) be liable for actual damages;

19                  “(B) be fined not more than \$2,500 for a  
20                  first offense; and

21                  “(C) be fined not more than \$5,000 for a  
22                  second or subsequent offense.

23          “(3) JURISDICTION.—An action under this sec-  
24          tion may be brought in any United States district

1 court, or in any other court of competent jurisdic-  
2 tion.

3 “(4) INTERVENTION OF ATTORNEY GENERAL.—  
4 Upon timely application, a court may, in its discre-  
5 tion, permit the Attorney General to intervene in a  
6 civil action brought under this subsection, if the At-  
7 torney General certifies that the action is of general  
8 public importance.

9 “(5) AUTHORITY TO APPOINT COURT-PAID AT-  
10 TORNEY.—Upon application by an individual and in  
11 such circumstances as the court may determine just,  
12 the court may appoint an attorney for such indi-  
13 vidual and may authorize the commencement of a  
14 civil action under this subsection without the pay-  
15 ment of fees, costs, or security.

16 “(6) ATTORNEY’S FEES.—In any action com-  
17 menced pursuant to this section, the court, in its  
18 discretion, may allow the prevailing party, other  
19 than the United States, a reasonable attorney’s fee  
20 as part of the costs, and the United States shall be  
21 liable for costs the same as a private person.

22 “(7) REQUIREMENTS IN CERTAIN STATES AND  
23 LOCAL AREAS.—In the case of an alleged act or  
24 practice prohibited by this section which occurs in a  
25 State, or political subdivision of a State, which has

1       a State or local law prohibiting such act or practice  
2       and establishing or authorizing a State or local au-  
3       thority to grant or seek relief from such act or prac-  
4       tice or to institute criminal proceedings with respect  
5       thereto upon receiving notice thereof, no civil action  
6       may be brought hereunder before the expiration of  
7       30 days after written notice of such alleged act or  
8       practice has been given to the appropriate State or  
9       local authority by registered mail or in person, pro-  
10      vided that the court may stay proceedings in such  
11      civil action pending the termination of State or local  
12      enforcement proceedings.”.

13      (b) CLERICAL AMENDMENT.—The table of contents  
14      for chapter 51 of title 31, United States Code, is amended  
15      by inserting after the item relating to section 5103 the  
16      following:

“5104. Retail businesses prohibited from refusing cash payments.”.

