

117TH CONGRESS
1ST SESSION

H. R. 4395

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

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2021

Mr. PAYNE (for himself, Mr. SMITH of New Jersey, Ms. GARCIA of Texas, Ms. PRESSLEY, Mr. GOTTHEIMER, Mrs. BEATTY, Mrs. CAROLYN B. MALONEY of New York, Mrs. AXNE, Mr. STEWART, Ms. LEE of California, Mr. MEEKS, Mr. KUSTOFF, Mr. TORRES of New York, Mr. DAVIDSON, Ms. WASSERMAN SCHULTZ, Mr. CONNOLLY, Mr. ROSE, Mrs. HAYES, Mr. NORCROSS, Mr. VICENTE GONZALEZ of Texas, Mr. POSEY, Mr. PASCRELL, Mrs. WATSON COLEMAN, Mr. VAN DREW, Mr. LAWSON of Florida, Mr. SUOZZI, Ms. STRICKLAND, Mr. THOMPSON of Mississippi, and Mr. CARSON) introduced the following bill; which was referred to the Committee on Financial Services

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 2021”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that every consumer has
3 the right to use cash at retail businesses who accept in-
4 person payments.

5 **SEC. 3. RETAIL BUSINESSES PROHIBITED FROM REFUSING**
6 **CASH PAYMENTS.**

7 (a) IN GENERAL.—Subchapter I of chapter 51 of title
8 31, United States Code, is amended by adding at the end
9 the following:

10 **“§ 5104. Retail businesses prohibited from refusing**
11 **cash payments**

12 “(a) IN GENERAL.—Any person engaged in the busi-
13 ness of selling or offering goods or services at retail to
14 the public who accepts in-person payments at a physical
15 location (including a person accepting payments for tele-
16 phone, mail, or internet-based transactions who is accept-
17 ing in-person payments at a physical location)—

18 “(1) shall accept cash as a form of payment for
19 sales made at such physical location in amounts less
20 than \$2,000; and

21 “(2) may not charge cash-paying customers a
22 higher price compared to the price charged to cus-
23 tomers not paying with cash.

24 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
25 a person if the person—

26 “(1) is unable to accept cash because of—

1 “(A) a sale system failure that temporarily
2 prevents processing cash payments; or

3 “(B) temporarily having insufficient cash
4 on hand to make change; or

5 “(2) provides customers with a device that con-
6 verts cash into prepaid cards on the premises—

7 “(A) if—

8 “(i) there is no fee for the use of the
9 device;

10 “(ii) the device does not require a
11 minimum deposit of more than one dollar;

12 “(iii) any funds placed onto a prepaid
13 card using the device do not expire;

14 “(iv) the device allows customers to
15 redeem any unused balance for cash at any
16 time;

17 “(v) the device does not collect any
18 personal identifying information from the
19 customer; and

20 “(vi) there is no fee to use the prepaid
21 card that the device produces; and

22 “(B) regardless of whether there is a limit
23 to the number of transactions on such cards.

24 “(c) RIGHT TO NOT ACCEPT LARGE BILLS.—

1 “(1) IN GENERAL.—Notwithstanding subsection
2 (a), for the 5-year period beginning on the date of
3 the enactment of this section, this section does not
4 require a person to accept cash payments in \$100
5 bills or any larger bill.

6 “(2) RULEMAKING.—

7 “(A) IN GENERAL.—The Secretary shall
8 issue a rule on the date that is the end of the
9 5-year period beginning on the date of the en-
10 actment of this section with respect to any bills
11 a person is not required to accept.

12 “(B) REQUIREMENT.—When issuing a rule
13 under subparagraph (A), the Secretary shall re-
14 quire persons to accept \$1, \$5, \$10, \$20 and
15 \$50 bills.

16 “(d) ENFORCEMENT.—

17 “(1) PREVENTATIVE RELIEF.—Whenever any
18 person has engaged, or there are reasonable grounds
19 to believe that any person is about to engage in any
20 act or practice prohibited by this section, a civil ac-
21 tion for preventive relief, including an application for
22 a permanent or temporary injunction, restraining
23 order, or other order may be brought against such
24 person.

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

3 “(A) be liable for actual damages;

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

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

8 “(3) JURISDICTION.—An action under this sec-
9 tion may be brought in any United States district
10 court, or in any other court of competent jurisdic-
11 tion.

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

18 “(5) AUTHORITY TO APPOINT COURT-PAID AT-
19 TORNEY.—Upon application by an individual and in
20 such circumstances as the court may determine just,
21 the court may appoint an attorney for such indi-
22 vidual and may authorize the commencement of a
23 civil action under this subsection without the pay-
24 ment of fees, costs, or security.

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

7 “(7) REQUIREMENTS IN CERTAIN STATES AND
8 LOCAL AREAS.—In the case of an alleged act or
9 practice prohibited by this section which occurs in a
10 State, or political subdivision of a State, which has
11 a State or local law prohibiting such act or practice
12 and establishing or authorizing a State or local au-
13 thority to grant or seek relief from such act or prac-
14 tice or to institute criminal proceedings with respect
15 thereto upon receiving notice thereof, no civil action
16 may be brought hereunder before the expiration of
17 30 days after written notice of such alleged act or
18 practice has been given to the appropriate State or
19 local authority by registered mail or in person, pro-
20 vided that the court may stay proceedings in such
21 civil action pending the termination of State or local
22 enforcement proceedings.

23 “(e) GREATER PROTECTION UNDER STATE LAW.—
24 This section shall not preempt any law of a State, the Dis-
25 trict of Columbia, a Tribal government, or a territory of

1 the United States if the protections that such law affords
2 to consumers are greater than the protections provided
3 under this section.

4 “(f) RULEMAKING.—The Secretary shall issue such
5 rules as the Secretary determines are necessary to imple-
6 ment this section and such rules may prescribe additional
7 exceptions to the application of the requirements described
8 in subsection (a).”.

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

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

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