

SB 254 -- Redline

Engrossed to Enrolled -- CREDIT: Provides relative to surcharges for debit card use. (8/1/26)

Deletions ~~struck~~ · Insertions underlined

~~SLS 26RS-121 REENGROSSED~~ Regular Session ENROLLED SENATE BILL NO.

254 BY SENATOR MIZELL CREDIT, AN ACT To enact Chapter 52 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3081 and 3082, relative to debit card surcharges; to prohibit certain excess surcharges; to provide for liability; to provide for a private right of action; to provide for reporting requirements; to provide for enforcement; to provide for civil penalties;

~~Provides relative to surcharges for debit card use.~~

~~(8/1/26) AN ACT To enact Chapter 52 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3081 and 3082, relative to debit card surcharges; to prohibit certain excess surcharges; to provide for liability; to provide for reporting requirements; to provide for enforcement; to provide for civil penalties;~~

DEBIT CARD SURCHARGE

~~Sec. 3081. Debit card surcharge; prohibiting certain excess fees; liability; reporting~~ Sec. 3081. A.

~~As Debit used card in surcharge; this Section:~~

~~(1) "Cardholder" prohibiting means certain the person named on the face of a debit excess card to fees; whom or for whose benefit the debit card is issued by an issuer and shall include any employee or other agent or authorized user of the card.~~

liability;

definitions A.

As used in this Chapter:

(1) "Cardholder" means the person named on the face of a debit card to

whom or for whose benefit the debit card is issued by an issuer and includes any employee or other agent or authorized user of the card.

(3) "Retail business" means any person or entity engaged in the sale of ~~Page~~ goods or services. ~~4~~

~~Coding:~~
Words (4) "Surcharge" which means are any additional amount through of are money imposed deletions at the
from time existing of law; the transaction by a retail business that increases the charge to the cardholder
for the privilege of using a debit card.

~~words in boldface type and underscored are additions.~~

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~~254 goods or services.~~

~~(4) "Surcharge" means any additional amount of money imposed at the time of the transaction by a retail business that increases the charge to the cardholder for the privilege of using a debit card.~~

~~G-C.~~ (1) A retail business that violates the provisions of this Section shall be Page 1 of 3 Coding:

A words retail which business are that struck violates through the are provisions deletions of from this existing
Section law; shall be liable to the cardholder for any damages or expenses, or both, including attorney
fees, which the cardholder incurs.

words in boldface type and underscored are additions.

SB NO.

254 ENROLLED liable to the cardholder for actual damages incurred as a result of the violation.

(2) Prior to filing a civil action, a cardholder shall provide written notice of the alleged violation to the retail business.

If the retail business cures the violation and reimburses the cardholder for any surcharge assessed within thirty days after receipt of written notice, no private right of action shall arise from the alleged violation.

(3) A private right of action pursuant to this Section shall apply only to
willful violations, repeated violations, or violations that are not cured within the time period provided in
Paragraph (2) of this Subsection.

(4) Nothing in this Section shall limit the authority of the attorney general to enforce the provisions of this Chapter pursuant to R.S.

51:3082.

~~penalties penalties; A. (1) The attorney general may bring a civil action against a retail business that violates the provisions of this Chapter.~~

reporting A. (1) The attorney general may bring a civil action against a retail business that violates the provisions of this Chapter.

(3) A person who violates an administrative order or court order issued for a violation of this ~~Section shall~~ Section be subject to ~~shall be civil subject to a civil~~ penalty of ~~not more than~~ more than five hundred dollars for each violation.

Any cardholder who is assessed a surcharge in violation of this Chapter for the use of a debit card may submit a complaint to the attorney general through the toll-free number or electronic reporting system established Page 2 of 43 Coding:

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254 ENROLLED pursuant to Subsection B of this Section.

~~The PRESIDENT original OF instrument THE and SENATE the SPEAKER following OF digest, THE which HOUSE constitutes OF no REPRESENTATIVES part GOVERNOR of OF the THE legislative STATE instrument, OF were LOUISIANA prepared APPROVED: by Senate Legislative Services.~~

~~The Page keyword, 3 summary, and digest do not constitute part of the 3 law Coding: or proof or indicia of legislative intent.~~

~~[R.S.~~

~~1:13(B) and 24:177(E)] DIGEST SB 254 Reengrossed 2026 Regular Session Mizell Proposed law defines "cardholder", "debit card", "retail business", and "surcharge".~~

~~Proposed law prohibits a retail business from charging a surcharge to a cardholder using a debit card to purchase goods or services.~~

~~Proposed law provides that a retail business in violation of proposed law shall be liable to the debit cardholder.~~

~~Proposed law authorizes the attorney general to bring civil actions to enforce any violation of proposed law.~~

~~Proposed law provides that a retail business that violates an administrative order or court order issued for a violation of proposed law shall be subject to a civil penalty of not more than \$500 for each violation.~~

~~Proposed law provides that monies collected from fines and civil penalties shall be used by the attorney general to promote consumer protection and education.~~

~~Proposed law requires the attorney general to establish and maintain a toll-free telephone number and an electronic reporting system for cardholders to report any unlawful surcharge on a debit card.~~

~~Proposed law provides that all complaints shall include the name and address of the retail business, the date and amount of the transaction, the amount of the surcharge imposed, and any receipt, invoice, or other documentation evidencing the surcharge.~~

~~Effective August 1, 2026.~~

~~(Adds R.S.~~

~~51:3081 and 3082) Summary of Amendments Adopted by Senate Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill Page 3 of 4 Coding:~~

~~Words which are struck through are deletions from existing law;~~

~~words in boldface type and underscored are additions.~~

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~~254 1.~~

~~Removes provisions requiring the attorney general to provide a retail business with written notice of a violation and an opportunity to cure the violation before initiating an enforcement action.~~

~~2.~~

~~Makes technical changes.~~

~~Senate Floor Amendments to engrossed bill 1.~~

~~Makes technical changes.~~

~~Page 4 of 4 Coding:~~