



SPONSOR: Sen. McBride & Rep. Cooke
Sens. Pettyjohn, Poore, Wilson; Reps. Baumbach, Brady,
Minor-Brown

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 220

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO DISCRIMINATION AGAINST CASH
PAYMENTS BY CONSUMERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Subchapter XI, Chapter 25, Title 6 of the Delaware Code by making deletions as shown by
2 strike through and insertions as shown by underline as follows:

3 Subchapter XI. ~~Cumulative Remedies and Enhanced Penalties~~ Prohibiting Discrimination Against the Use of Cash
4 by Consumers.

5 § 2598. ~~Violation of order or injunction; penalty.~~ Definitions.

6 For purposes of this subchapter:

7 (1) “Cash” means currency of the United States.

8 (2) “Consumer” means an individual who purchases merchandise.

9 (3) “Merchandise” means an object, good, commodity, or service.

10 (4) “Person” means an individual, corporation, statutory trust, business trust, estate, trust, partnership,
11 unincorporated association, or any other legal or commercial entity.

12 (5) “Seller” means a person engaged in the sale of merchandise.

13 § 2598A. Applicability.

14 (a) This subchapter applies to a purchase of merchandise made in person.

15 (b) This subchapter does not apply to a purchase of merchandise made by the telephone, U.S. mail, or Internet.

16 § 2598B. Discrimination against the use of cash by a consumer.

17 (a) A seller may not require a consumer to pay for merchandise using credit or to prohibit cash as payment to
18 purchase merchandise.

19 (b) A seller shall accept cash when offered by the consumer as payment to purchase merchandise.

20 § 2598C. Enforcement.

21 The Attorney General has the same authority to enforce and carry out this subchapter as under Chapter 25 of Title

22 29 and by §§ 2511 through 2527 and 2531 through 2536 of this title.

23 § 2598D. Penalties.

24 (a) A person who violates this subchapter is subject to a civil penalty, in addition to all costs, of not more than
25 \$10,000 per violation.

26 (b) Each day that a wilful violation continues is considered a separate violation.

27 (c) For the purpose of this subchapter, a wilful violation occurs when the person committing the violation knew or
28 should have known that the person's conduct was prohibited under this subchapter.

29 § 2598E. Remedies and penalties not exclusive.

30 The remedies and penalties under this subchapter are not exclusive and are in addition to any other procedures,
31 rights, or remedies which exist with respect to any other provisions of law, including Subchapter II and Subchapter III of
32 Chapter 25 of this title; actions brought by private parties; or state or federal criminal prosecutions.

SYNOPSIS

This Act prohibits a seller from refusing to accept cash from a consumer making an in-person purchase of a good or service.

Author: Senator McBride