

2026 Regular Session

SENATE BILL NO. 254

BY SENATOR MIZELL

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To enact R.S. 9:3518.5 and 3518.6, relative to debit card surcharges; to prohibit certain excess surcharges; to provide for liability; to provide reporting requirements; to provide for enforcement; to provide for civil penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:3518.5 and 3518.6 are hereby enacted to read as follows:

§3518.5. Debit card surcharge; prohibiting certain excess fees; liability; reporting

A. As used in this Section:

(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 shall include any employee or other agent or authorized user of the card.

(2) "Debit card" means a card or other payment device that debits funds directly from a cardholder's deposit account.

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

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

4 **B. In a sale of goods or services, a retail business shall not impose a**
5 **surcharge on a cardholder who uses a debit card instead of cash, check, credit**
6 **card, or any other similar means of payment.**

7 **C. A retail business that violates the provisions of this Section shall be**
8 **liable to the cardholder for any damages or expenses, or both, including**
9 **attorney fees, which the cardholder incurs.**

10 **§3518.6. Enforcement; penalties**

11 **A. The attorney general may bring a civil action to enforce any violation**
12 **of R.S. 9:3518.5.**

13 **B. A retail business that violates the provisions of R.S. 9:3518.5 shall be**
14 **subject to a civil fine of up to five hundred dollars per violation.**

15 **C.(1) At least forty-five days before the day on which the attorney**
16 **general initiates an enforcement action against a retail business for a violation**
17 **of R.S. 9:3518.5, the attorney general shall provide the retail business with a**
18 **written notice that identifies each alleged violation and an explanation of the**
19 **basis for each allegation.**

20 **(2) Except as provided in Paragraph (3) of this Subsection, the attorney**
21 **general shall not initiate an action if the retail business cures the notice violation**
22 **within forty-five days after the date the retail business receives the notice by**
23 **providing the attorney general with a written statement indicating that the**
24 **violation is cured and no further violations will occur.**

25 **(3) The attorney general may initiate a civil action against a person who**
26 **does either of the following:**

27 **(a) Fails to cure a violation after receiving the written notice described**
28 **in Paragraph (1) of this Subsection.**

29 **(b) Commits another violation of the same provision after curing a**

1 violation and providing a written statement to the attorney general in
2 accordance with Paragraph (2) of this Subsection.

3 (4) If a court of competent jurisdiction grants judgment or injunctive
4 relief to the attorney general, the court shall award the attorney general
5 reasonable attorney fees, court costs, and investigative costs.

6 (5) A person who violates an administrative order or court order issued
7 for a violation of this Section shall be subject to a civil penalty of not more than
8 five hundred dollars for each violation. A civil penalty may be imposed in any
9 civil action brought by the attorney general.

10 (6) All monies received from the payment of a fine or civil penalty
11 imposed and collected pursuant to the provisions of this Section shall be used
12 by the attorney general to promote consumer protection and education.

13 D. The attorney general shall establish and maintain a toll-free telephone
14 number and an electronic reporting system for consumers to report an unlawful
15 surcharge on a debit card.

16 E. Any consumer who is assessed a surcharge in violation of R.S.
17 9:3518.5 for the use of a debit card may submit a complaint to the attorney
18 general through the toll-free number or electronic reporting system established
19 pursuant to Subsection D of this Section. The complaint shall include the
20 following information:

21 (1) The name and address of the retail business.

22 (2) The date and amount of the transaction.

23 (3) The amount of the surcharge imposed.

24 (4) Any receipt, invoice, or other documentation evidencing the
25 surcharge.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 254 Original 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 proposed law shall be fined up to \$500 per violation.

Proposed law requires the attorney general, at least 45 days before initiating an enforcement action, to provide written notice to the retail business identifying each alleged violation and explaining the basis for each allegation.

Proposed law provides that the attorney general shall not initiate an enforcement action if the retail business cures the violation within 45 days of receiving notice and provides a written statement indicating the violation has been cured and that no further violations will occur.

Proposed law provides that a person who 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 consumers 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. 9:3518.5 and 3518.6)