SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 4107

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 18, 2026

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 4107.

As amended, this bill prohibits a seller providing a service or selling goods from charging a surcharge when a customer uses a debit card or gift card to pay for the transaction.

The bill further provides that if a seller imposes a surcharge on credit card transactions, the seller is required to clearly and conspicuously disclose, prior to payment, that the seller is prohibited from applying a surcharge to payments made by debit card or gift card.

A violation of the bill is an unlawful practice under the consumer fraud act. An unlawful practice is punishable by a monetary penalty of not more than $10,000 for a first offense and not more than $20,000 for any subsequent offense. In addition, a violation can result in cease and desist orders issued by the Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to the injured party.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) expand the bill's provisions to cover goods, in addition to services;

(2) remove a reference to cash payment;

(3) prohibit a seller from charging a surcharge on a transaction paid for with a gift card and to add a definition to the bill for the term "gift card;" and

(4) update the definition of debit card to include electronic benefit transfer card.