

2026 Regular Session

SENATE BILL NO. 254

BY SENATOR MIZELL

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

1 AN ACT

2 To enact Chapter 52 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 51:3081 and 3082, relative to debit card surcharges; to prohibit certain excess
4 surcharges; to provide for liability; to provide for reporting requirements; to provide
5 for enforcement; to provide for civil penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 52 of Title 51 of the Louisiana Revised Statutes of 1950,
8 comprised of R.S. 51:3081 and 3082, is hereby enacted to read as follows:

9 **CHAPTER 52. DEBIT CARD SURCHARGE**

10 **§3081. Debit card surcharge; prohibiting certain excess fees; liability; reporting**

11 **A. As used in this Section:**

12 **(1) "Cardholder" means the person named on the face of a debit card to**
13 **whom or for whose benefit the debit card is issued by an issuer and shall include**
14 **any employee or other agent or authorized user of the card.**

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

17 **(3) "Retail business" means any person or entity engaged in the sale of**

1 goods or services.

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

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

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

11 §3082. Enforcement; penalties

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

14 (2) If a court of competent jurisdiction grants judgment or injunctive
15 relief to the attorney general, the court shall award the attorney general
16 reasonable attorney fees, court costs, and investigative costs.

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

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

24 B. The attorney general shall establish and maintain a toll-free telephone
25 number and an electronic reporting system for cardholders to report an
26 unlawful surcharge on a debit card.

27 C. Any cardholder who is assessed a surcharge in violation of this
28 Chapter for the use of a debit card may submit a complaint to the attorney
29 general through the toll-free number or electronic reporting system established

- 1 **pursuant to Subsection D of this Section. The complaint shall include all of the**
 2 **following information:**
- 3 **(1) The name and address of the retail business.**
- 4 **(2) The date and amount of the transaction.**
- 5 **(3) The amount of the surcharge imposed.**
- 6 **(4) Any receipt, invoice, or other documentation evidencing the**
 7 **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 Engrossed

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

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.