RÉSUMÉ DIGEST

ACT 751 (SB 254) **2026 Regular Session** **Mizell**

New law defines "cardholder", "debit card", "retail business", and "surcharge".

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

New law provides that a retail business that violates new law shall be liable to the debit cardholder.

New law requires a cardholder, prior to filing a civil action, to provide written notice of the alleged violation to the retail business. Provides that if the retail business cures the violation and reimburses the cardholder for any surcharge assessed within 30 days after receipt of written notice, no private right of action shall arise from the alleged violation.

New law provides that the private right of action pursuant to new law shall apply only to willful violations, repeated violations, or violations that are not cured within the time period provided in new law.

New law authorizes the attorney general to bring civil actions to enforce any violation of new law.

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

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

New 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.

New 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)