

SENATE No. 2819

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

SENATE, January 7, 2026.

The committee on Consumer Protection and Professional Licensure, to whom was referred the petitions (accompanied by bill, Senate, No. 194) of Joanne M. Comerford for legislation to limit credit card surcharges on credit card transactions in the commonwealth; (accompanied by bill, Senate, No. 204) of John J. Cronin for legislation relative to transparency in credit card fees; and (accompanied by bill, Senate, No. 278) of Jacob R. Oliveira relative to credit card surcharges, report the accompanying bill (Senate, No. 2819).

For the committee,
Pavel M. Payano

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An Act relative to credit card surcharges and transparency in credit card fees.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 140D of the General Laws, as appearing in the 2022 Official Edition, is hereby
2 amended by striking out Section 28A and inserting in place thereof the following section:-

3 Section 28A. (a) (1) With respect to a credit card which may be used for extensions of
4 credit in sales transactions in which the seller is a person other than the card issuer, the card
5 issuer may not, by contract or otherwise, prohibit any such seller from offering a discount to a
6 cardholder to induce the cardholder to pay cash, check or similar means rather than use a credit
7 card. No seller may offer any such discount unless such seller posts a notice disclosing such
8 discount. Such seller shall clearly and conspicuously post such notice on the seller's premises for
9 in-person transactions, shall post such notice on the Internet website or digital payment
10 application before completing any online transaction or transaction that is processed by way of
11 digital payment application, and that if the seller is processing a credit card payment for a
12 transaction that will occur over the telephone, the seller shall provide verbal notice of any such
13 discount prior to processing the transaction.

14 (2) A seller shall not impose on a customer who uses a credit card for a
15 transaction occurring in the commonwealth a surcharge that is greater than the actual cost to the
16 seller to process the credit card payment.

17 (3) A seller that imposes a surcharge on a customer to process a credit card
18 payment shall disclose the amount of the surcharge, prior to the customer incurring any charge
19 for goods or services, by, in the case of a seller other than a restaurant, posting clear and
20 conspicuous notice on a sign at the point of sale or, in the case of a restaurant, on a sign in the
21 customer service area and on the menu; provided, however, that if the seller is processing a credit
22 card payment for a transaction that will occur through an internet website, a mobile application
23 or an electronic kiosk, the seller shall provide clear and conspicuous electronic notice on the
24 checkout page of the internet website, mobile application or electronic kiosk prior to processing
25 the transaction; provided further, that if the seller is processing a credit card payment for a
26 transaction that will occur over the telephone, the seller shall provide verbal notice prior to
27 processing the transaction; and provided further, that the amount of such surcharge be printed on
28 every receipt.