

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 4941

By Delegates Crouse, Petitto, Lucas, Moore, and

Smith

[Introduced January 25, 2024; Referred to the

Committee on Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §31-22-1 and §31-22-2, prohibiting discrimination against cash buyers of food,
3 goods and services physically present in a place of business; excepting retailers who
4 provide a device that converts cash, without charging a fee for the conversion nor a deposit
5 amount greater than five U.S. dollars, into a pre-paid card, authorizing rulemaking by the
6 West Virginia Treasurer and Department of Commerce, establishing a fine for violation,
7 and establishing an effective date; all relating to requiring businesses in West Virginia to
8 accept cash as a form of payment.

Be it enacted by the Legislature of West Virginia: _

ARTICLE 22. CASH PAYMENT NONDISCRIMINATION.

§31-22-1. Enactment.

1 (a) Any retail mercantile establishment in which food is prepared, sold, or served in this
2 state, or other establishment offering goods or services for sale shall accept United States
3 currency – cash – as legal tender when offered as payment. Such establishment shall not
4 discriminate against a cash buyer by requiring the use of a credit or debit card or electronic
5 payment device or process in order to purchase food, goods, or services. This section shall not
6 apply to telephone, mail order, electronic, online, or other transactions in which the buyer is not
7 present in the establishment's physical place of business: “Provided, That the requirement for a
8 retailer to accept cash, shall not apply to a retail establishment that provides on premises, or in the
9 case of mobile vehicular-based businesses in or on the mobile vehicular-based business, a device
10 that converts cash, without charging a fee for the conversion nor a deposit amount greater than
11 five U.S. dollars, into a pre-paid card that will allow a consumer to complete a transaction at such
12 retail establishment. The device must:

13 (1) Upon request provide each consumer with a receipt indicating the amount of cash
14 such consumer deposited onto the prepaid card; and

15 (2) Issue pre-paid cards in the amount of the full value of the cash deposited and such

16 cards shall have no expiration date nor limit the number of transactions which may be completed
17 by the consumer with such card.

18 (b) The West Virginia Treasurer's Office may make regulations to implement this section,
19 including authorization of exemptions or exclusions from this section. Exemptions or exclusions
20 under this section may be provided based on criteria including, but not limited to, the nature of the
21 establishment; the nature of the food, goods, or services; the denomination of currency used; or
22 the amount of the transaction.

23 (c) A violation of this section shall be punishable by a fine not to exceed \$500.

24 (d) The term "retail mercantile establishment" as used in §31-22-1 of the code, shall
25 exclude banks as defined in Chapter 31A of the code, and credit unions as defined in Chapter 31C
26 of the code for deposit transactions greater than \$10,000.00 U.S. dollars.

§31-22-2. **Effective** **date.**

1 This article shall take effect January 1, 2025. The West Virginia Department of Commerce
2 may make regulations and take other actions reasonably necessary to implement this act on that
3 date.

NOTE: The purpose of this bill is to require retail businesses in West Virginia to accept cash as a form of payment when tendered by a West Virginia consumer.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.