

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5291

By Delegate Holstein

[Introduced January 29, 2024; Referred to the
Committee on Economic Development and Tourism
then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §46A-9-1 and §46A-9-2, all relating to requiring all retail businesses with a
 3 physical location in this state to accept cash for charges up to \$100, and providing for
 4 enforcement by the Attorney General, private causes of action.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. RETAIL BUSINESSES WITH PHYSICAL LOCATIONS IN THIS STATE

MUST ACCEPT CASH.

§46A-9-1. Requirement to accept cash.

1 A retail business with a physical location in this state must accept cash as a form of
 2 payment for goods and services at that location with an aggregate value of \$100 or less and may
 3 not charge a fee or penalty for using cash as a form of payment.

§46A-9-2. Enforcement, causes of action.

1 (a) A retail business that violates §46A-9-1 of this code has committed an unfair or
 2 deceptive act or practice under §46A-6-104 of this code, enforceable by the Attorney General
 3 under §46A-7-101, et seq. of this code.

4 (b) Any person who is denied the right to use cash as a form of payment for goods or
 5 services or who is charged a penalty for using cash as a form of payment for purchases with an
 6 aggregate value of \$100 or less has a cause of action against the person or business violates
 7 §46A-9-1 of this code. A business that violates §46A-9-1 of this code is liable for damages to each
 8 person in an amount of \$1000 but not more than \$1,000 per person per day or \$5,000 per person
 9 total. The prevailing plaintiff in an action shall also be entitled to recover reasonable attorney fees
 10 and costs.

NOTE: The purpose of this bill is to require all retail businesses with a physical location in this state to accept cash for charges up to \$100, and providing for enforcement by the Attorney General, private causes of action.

Strike-throughs indicate language that would be stricken from a heading or the present law

and underscoring indicates new language that would be added.