



General Assembly

January Session, 2023

**Raised Bill No. 6614**

LCO No. 4036



Referred to Committee on GENERAL LAW

Introduced by:  
(GL)

**AN ACT CONCERNING DEBIT CARDS AND CASH DISCOUNTS FOR GASOLINE PURCHASES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) to (c), inclusive, of section 42-133ff of the  
2 general statutes are repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2023*):

4 (a) For the purposes of this section:

5 (1) (A) "Agent" (i) means any person who (I) arranges for the  
6 distribution of services by another person, or (II) leases, rents or sells  
7 tangible or intangible personal, real or mixed property, or any other  
8 article, commodity or thing of value, on behalf of another person, and  
9 (ii) includes, but is not limited to, (I) any person who is duly appointed  
10 as an agent by a common carrier, (II) any person who sells  
11 transportation, travel or vacation arrangements on behalf of another  
12 person who is engaged in the business of furnishing transportation,  
13 travel or vacation services, and (III) any member of a cruise line  
14 association that operates exclusively as an agent for cruise lines to sell  
15 cruise travel products or services.

16 (B) "Agent" does not mean (i) a common carrier, (ii) an employee of a  
17 common carrier, or (iii) any person engaged in the business of  
18 furnishing transportation, travel or vacation services.

19 (2) "Charge card" (A) means any card, device or instrument that (i) is  
20 issued, with or without a fee, to a holder and requires the holder to pay  
21 the full outstanding balance due on such card, device or instrument at  
22 the end of each standard billing cycle established by the issuer of such  
23 card, device or instrument, and (ii) may be used by the holder in a  
24 transaction to receive services or lease, purchase or rent tangible or  
25 intangible personal, real or mixed property, or any other article,  
26 commodity or thing of value, and (B) includes, but is not limited to, any  
27 software application that (i) is used to store a digital form of such card,  
28 device or instrument, and (ii) may be used in a transaction to receive  
29 such services or lease, purchase or rent any such property, article,  
30 commodity or thing.

31 (3) "Credit card" (A) means any card, device or instrument that (i) is  
32 issued, with or without a fee, to a holder, and (ii) may be used by the  
33 holder in a transaction to receive services or lease, purchase or rent  
34 tangible or intangible personal, real or mixed property, or any other  
35 article, commodity or thing of value on credit, regardless of whether  
36 such card, device or instrument is known as a credit card, credit plate or  
37 by any other name, and (B) includes, but is not limited to, any software  
38 application that (i) is used to store a digital form of such card, device or  
39 instrument, and (ii) may be used in a transaction to receive such services  
40 or lease, purchase or rent any such property, article, commodity or thing  
41 on credit.

42 (4) (A) "Debit card" (i) means any card, code, device or other means  
43 of access, or any combination thereof, that (I) is authorized or issued for  
44 use to debit an asset account held, directly or indirectly, by a financial  
45 institution, and (II) may be used in a transaction to receive services or  
46 lease, purchase or rent tangible or intangible personal, real or mixed  
47 property, or any other article, commodity or thing of value regardless of  
48 whether such card, code, device, means or combination is known as a

49 debit card, and (ii) includes, but is not limited to, (I) any software  
50 application that is used to store a digital form of such card, code, device  
51 or other means of access, or any combination thereof, that may be used  
52 in a transaction to receive such services or lease, purchase or rent any  
53 such property, article, commodity or thing, and (II) any cards, codes,  
54 devices or other means of access, or any combination thereof, commonly  
55 known as automated teller machine cards and payroll cards.

56 (B) "Debit card" does not mean (i) a check, draft or similar paper  
57 instrument, or (ii) any electronic representation of such check, draft or  
58 instrument.

59 (5) "Person" means any natural person, corporation, incorporated or  
60 unincorporated association, limited liability company, partnership,  
61 trust or other legal entity.

62 (6) "Surcharge" means any additional charge or fee that increases the  
63 total amount of a transaction for the privilege of using a particular form  
64 of payment.

65 (7) (A) "Transaction" means distribution by one person to another  
66 person of any service, or the lease, rental or sale by one person of any  
67 tangible or intangible personal, real or mixed property, or any other  
68 article, commodity or thing of value to another person, for a certain  
69 price.

70 (B) "Transaction" does not mean payment of any (i) fees, costs, fines  
71 or other charges to a state agency authorized by the Secretary of the  
72 Office of Policy and Management under section 1-1j, (ii) taxes, penalties,  
73 interest and fees allowed by the Commissioner of Revenue Services in  
74 accordance with section 12-39r, (iii) taxes, penalties, interest and fees, or  
75 other charges, to a municipality in accordance with section 12-141a, (iv)  
76 fees, costs, fines or other charges to the Judicial Branch in accordance  
77 with section 51-193b, or (v) sum pursuant to any other provision of the  
78 general statutes or regulation of Connecticut state agencies.

79 (b) No person may impose a surcharge on any transaction.

80 (c) (1) [Nothing] Except as provided in subparagraph (B) of  
81 subdivision (2) of this subsection, nothing in this section shall prohibit  
82 any person from offering a discount on any transaction to induce  
83 payment by cash, check, debit card or similar means rather than by  
84 charge card or credit card. No person may offer any such discount  
85 unless such person posts a notice disclosing such discount. Such person  
86 shall clearly and conspicuously (A) post such notice on such person's  
87 premises if such person conducts transactions in-person, (B) display  
88 such notice on the Internet web site or digital payment application  
89 before completing any online transaction or transaction that is  
90 processed by way of such digital payment application, and (C) verbally  
91 provide such notice before completing any oral transaction, including,  
92 but not limited to, any telephonic transaction.

93 (2) [In] (A) Except as provided in subparagraph (B) of this subdivision  
94 and in furtherance of the legislative findings contained in section 42-  
95 133j, no existing or future agreement or contract shall prohibit a gasoline  
96 distributor or retailer from offering a discount to a buyer based upon  
97 the method such buyer uses to pay for such gasoline, [. Any] and any  
98 provision in such agreement or contract prohibiting such distributor or  
99 retailer from offering such discount is void and without effect because  
100 such provision is contrary to public policy.

101 (B) No gasoline retailer may offer a discount to a buyer to induce the  
102 buyer to purchase gasoline with cash unless the gasoline retailer offers  
103 such discount to a buyer who purchases gasoline with a debit card.

104 Sec. 2. Subsection (f) of section 16a-15 of the general statutes is  
105 repealed and the following is substituted in lieu thereof (*Effective October*  
106 *1, 2023*):

107 (f) Each person shall publicly display and maintain on each pump or  
108 other dispensing device from which any gasoline intended as a fuel for  
109 motor boats or motor vehicles is sold by such person, such signs as the  
110 Commissioner of Consumer Protection, by [regulation] regulations  
111 adopted pursuant to chapter 54, may require to inform the public [of

112 whether] that, if a discount is offered for payment by cash, payment for  
113 such gasoline by debit card is processed at the [credit card price per  
114 gallon or the] cash price per gallon.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	42-133ff(a) to (c)
Sec. 2	<i>October 1, 2023</i>	16a-15(f)

**Statement of Purpose:**

To: (1) Provide that no gasoline retailer may offer a discount to induce a buyer to purchase gasoline with cash unless such gasoline retailer also offers such discount to a buyer who purchases gasoline with a debit card; and (2) require certain gasoline retailers to publicly display and maintain any signs the Commissioner of Consumer Protection requires to inform the public that, if a discount is offered to a buyer who purchases gasoline with cash, any payment for gasoline by debit card shall be processed at the cash price per gallon.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*