

FINAL BILL REPORT

ESB 5665

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Synopsis as Enacted

Brief Description: Concerning the use of credit cards for purchases of beer, spirits, and wine by the purchaser licensed to sell beer, spirits, and/or wine for consumption on the licensed premises.

Sponsors: Senators Wilson, Keiser, Conway and King.

Senate Committee on Commerce, Labor & Sports
House Committee on Commerce & Gaming

Background: Checks, credit or debit cards, prepaid accounts, electronic fund transfers, and other similar methods approved by the Liquor and Cannabis Board (LCB) may be used as cash payment with respect to transactions among liquor retailers, manufacturers, importers, or distributors. Electronic fund transfers must be voluntary, conducted pursuant to a written agreement, initiated no later than the first business day following delivery, and completed as promptly as is reasonably practical, but no later than five business days following delivery.

Summary: A licensed distributor of beer, spirits, and/or wine is authorized to impose a credit card fee on a purchaser licensed to sell beer, spirits and/or wine for on-premises consumption provided:

- the decision to make payment by credit card is voluntary; and
- the credit card fee is explicitly disclosed as a separate line item on the distributor's invoice.

In determining the dollar amount of the credit card fee that may be imposed, the distributor must use the same method of calculating the fee for all purchasers and may not derive any profit from the fees charged. Specifically, in a given calendar month or other period as set by the LCB, the aggregate of all credit card fees passed on to customers by a distributor may not exceed the aggregate of the fees imposed on that distributor by credit card issuers during that same time period.

Votes on Final Passage:

Senate	49	0	
House	97	0	(House amended)
Senate	49	0	(Senate concurred)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Effective: July 23, 2017