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]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-1 and §46A-9-2, all relating to requiring 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.

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.

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

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

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

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