

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Members of the House Committee on Taxation

From: Adam Siebers, Assistant Revisor

Date: January 25, 2021

Subject: House Bill No. 2070

Summary

As background, K.S.A. 16a-2-403 generally prohibits a seller in any transaction from imposing a surcharge on a card holder who elects to use a credit or debit card in lieu of payment by cash, check or similar means. Pursuant to the statute – a surcharge is any additional amount imposed at the time of the sales transaction by the seller that increases the charge to the buyer for the privilege of using a credit or debit card.

Under the bill, K.S.A. 75-30,100 provides exceptions from the prohibition against imposing the surcharge in K.S.A. 16a-2-403. The bill would expand the exception to include non-for-profit private postsecondary educational institutions and educational institutions otherwise exempt from the Kansas private and out-of-state postsecondary educational institution act thereby allowing such institutions the ability to impose the surcharge when payment is made with a credit or debit card.