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MEMORANDUM

To: Senate Committee on Education
From: Office of Revisor of Statutes
Date: March 11, 2021
Subject: HB 2070—Allowing a certain postsecondary institutions to impose a surcharge for credit or debit card payments

House Bill 2070 would allow not-for-profit private postsecondary educational institutions to impose a surcharge when payments are made to the institution with a credit or debit card.

Currently, K.S.A. 16a-2-403 prohibits a seller in any transaction from imposing a surcharge on a person who pays with a credit or debit card instead of cash, check or similar means, unless there is a specific exception. K.S.A. 75-30,100 provides a specific exception for municipal universities, community colleges, technical colleges and vocational schools to impose a surcharge when payments are made to such institutions with a credit or debit card.

HB 2070 would expand the exception to include not-for-profit private postsecondary educational institutions otherwise exempt from the Kansas private and out-of-state postsecondary educational institution act pursuant to K.S.A. 74-32,164, which would allow such institutions the ability to impose a surcharge when payment is made with a credit or debit card.