

Memorandum



Date: September 15, 2021

Agenda Item No. 2(B)(15)
October 5, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Report on Feasibility of Prohibiting Retail Businesses in Miami-Dade County from Refusing to Accept Cash Payments for Goods or Services - Directive No. 210740

On May 4, 2021, the Miami-Dade County Board of County Commissioners adopted Resolution No. R-449-21, sponsored by Senator René Garcia, urging the United States Congress to enact legislation prohibiting retail businesses from refusing cash payments and directing the County Mayor to provide a report on the feasibility of prohibiting retail businesses in Miami-Dade County from refusing to accept cash payments for goods or services.

Feasibility of Prohibiting Businesses from Refusing Cash Payments

It is feasible to implement legislation prohibiting businesses from refusing cash payments. If the Board chooses to enact such a policy, it would ensure equal access to goods and services for all visitors to, and the residents of, Miami-Dade County.

The Federal Reserve Board notes on its website that there is no federal statute mandating that a private business, a person, or an organization must accept currency or coins as payment for goods or services. Private businesses are free to develop their own policies on whether to accept cash unless state law say otherwise. The United States Department of the Treasury notes on its website that in the absence of governing laws, businesses like movie theaters, convenience stores, and gas stations refuse to accept bills over \$20 and that bus lines ban payment of fares in pennies. The State of Florida has not enacted legislation on this issue.¹

The State of Massachusetts enacted a law in 1978 entitled Discrimination Against Cash Buyers. (See Attachment 1.) This law prohibits retail establishments from requiring the use of credit to purchase goods and services. New Jersey enacted a ban on cashless businesses in 2019. The law exempts certain businesses located at an airport, municipal parking facilities, mobile payment only parking facilities, and motor vehicle rental businesses that also accept cashier's or certified checks. New Jersey violators are subject to a civil penalty of up to \$2,500 for a first offense and up to \$5,000 for a second offense. (See Attachment 2.) The states of Connecticut and Rhode Island have also enacted cashless business prohibition laws.

Philadelphia, Pennsylvania's law, Cashless Retail Prohibition, adopted in 2019, prohibits charging cash customers more, and excludes parking lots and garages, businesses that require a membership, rentals that require security deposits, and goods sold solely to employees. Violators are subject to a fine of up to \$2,000. (See Attachment 3.)

¹ There is a Florida law regulating the amount of cash kept at convenience stores after 11:00 p.m. See F.S. 812.173 Convenience business security.

The City of New York passed its law prohibiting cashless food and retail establishments in January 2020. The law does provide exceptions for cash denominations over \$20, for certain telephone, mail, or internet-based transactions, and provides that cash customers cannot be charged a higher price than customers who do not use cash. Food stores and businesses that provide a device for converting cash into a prepaid card without a fee, or for more than a one dollar minimum deposit are exempt from the law. The law sets a civil penalty of \$1,000 for the first violation and \$1,500 for subsequent violations. (See Attachment 4.)

The City of San Francisco enacted a cashless business ban in 2019. That law allows a business to mandate credit for any amount over \$5,000. (See Attachment 5.) The District of Columbia also enacted a ban in 2019, but enforcement has been suspended during the Covid-19 pandemic.

Arguments in Favor of Cashless Businesses

Arguments in favor of cashless businesses include increased productivity, crime prevention, and a reduction in cash security and transportation costs, including personnel. Since the onset of Covid-19, some businesses have gone cashless to simplify operations and to reduce risk to employees and customers. It has also been noted that increased use of credit cards increases credit card company revenue. Other reports have noted the increase in countries moving to become cashless societies. Most cited countries adopting cashless policies are China, India, and Sweden.

National companies Sweetgreen and Amazon Go enacted cashless policies but backtracked after being accused of discrimination and because of the enactment of state and local laws banning the policies. The National Retail Federation generally opposes laws requiring cash as a matter of choice for merchants. National Retail Federation Vice President J. Craig Shearman told State Net Capitol Journal in 2019 that cash is still used in 30 percent of retail purchases and more than half the time for small purchases. National Retail Federation General Counsel Stephanie Martz stated in 2020 on National Public Radio (NPR), that cashless laws are “a solution in search of a problem” as the number of businesses to go cashless is very small in part because each card transaction comes with a fee the business has to pay. She also stated that reversals like those of Sweetgreen and Amazon Go show that the market is working to respond to its communities. In the same segment, NPR reported that in 2018, credit card company Visa paid \$10,000 each to 50 businesses that stopped accepting cash as winners of its Visa Cashless Challenge.

Supporters of cashless payments suggest that policymakers can make it easier for all consumers to open bank accounts. In his June 2019 article, *Moves to Halt Cashless Stores Short-Sighted, Inhibit Growth*, for the publication Government Technology, Daniel Castro, vice president of the Information Technology and Innovation Foundation (ITIF), wrote that New York City has created a free municipal ID card and has partnered with local banks and credit unions that will accept the card for new bank accounts. He also suggested that state governments can allow electronic benefit transfer card users to add their own cash to their cards and that policy makers can make it a priority to support programs aimed at closing the digital divide to increase access to mobile payment technology for all consumers.

Locally, the Miami Parking Authority (MPA) operates in a mostly cashless manner. According to Angel Diaz, Jr., Operations Manager for MPA, approximately 10 years ago, it began implementing a policy, consistent with industry standards, to be as cashless as possible. The MPA operates its parking spaces with a mobile payment system (PayByPhone) or with pay stations. Some pay stations may take coins but only some pay stations in garages take currency. Currency is taken for services in its administrative office. Its pay systems and facilities provide a 24-hour customer assistance number.

Mr. Diaz stated that the reasons for reducing the use of cash were due to theft, fraud, currency safekeeping, and an increase in the receipt of cash due to higher prices and increased parking space use. Mr. Diaz acknowledged significant credit card fraud when the cashless pay systems were introduced but stated that such fraud is no longer a major issue. The MPA has noticed an increase in mobile payments and tracks usage of its facilities and systems in order to determine what works best for customers in a particular area or location. The MPA is seeing increased usage in mobile payments and is looking to replace more pay stations with a mobile payment system. Mr. Diaz estimates it would cost 2 to 3 million dollars to convert back to a system allowing for cash at its multiple locations.

Hard Rock Stadium in the City of Miami Gardens has a cashless policy but does provide on-site locations where patrons can convert cash into prepaid gift cards for use at the stadium. The City of Atlanta’s National Football League (NFL) stadium implemented a cashless policy in 2019 and states that it was the first NFL and MLS (Major League Soccer) stadium to do so. (See Attachment 6.)

Arguments Against Cashless Businesses

Arguments against cashless businesses are that such businesses are not inclusive and discriminate against people who prefer to pay cash, the “un-banked,” low-income people, and people who are homeless or undocumented. Other arguments involve privacy concerns, digital fraud, difficulty in managing spending, and the sale of personal information without consent by companies who collect and sell the data derived from card and mobile payment use. There also do not appear to be consistent plans for serving customers if there is a power outage, a dead cell phone battery or other electronic system disruption.

The Pew Research Center found in 2019 that 52% of Americans believe that their personal information is less secure and have opted out of using a product or service because of privacy concerns. A 2021 Pew study showed that a digital divide persists based on income. Americans with lower incomes have lower levels of technology adoption. Roughly a quarter of adults with household incomes below \$30,000 a year (24%) do not own a smartphone.

A 2018 Pew Research Center study found that 29% of American adults say that they make no purchases using cash in a typical week. Adults with an annual household income of \$75,000 or more were more than twice as likely as those earning less than \$30,000 a year to say that they do not make any purchases using cash in a typical week (41% vs. 18%). Conversely, lower-income Americans are about four times as likely as higher-income Americans to say that they make all or

almost all of their purchases using cash (29% vs. 7%). The Pew study also found that 34% of Blacks use cash for all or almost all of their purchases, compared with 15% of Whites and 17% of Hispanics. Additionally, the survey found that 34% of adults under the age of 50 make no purchases in a typical week using cash compared with 23% of adults over the age of 50.

A report by the Federal Deposit Insurance Corporation (FDIC) on its 2019 Survey: How American Banks: Household Use of Banking and Financial Services, estimated that 7.1 million American households (5.4%) were unbanked in 2019. The most cited reason given for not using a bank was not having enough money to meet minimum balance requirements (48.9%). Regarding the use of bank credit (i.e., a credit card such as Visa, Mastercard, American Express, or Discover), the FDIC found that the use of bank credit increased by 72.5 % but there were significant differences in use by education and income. The survey found that in 2019, only 37.1% of households without a high school diploma used bank credit, compared with 87.5 % of households with a college degree. Native American, Native Alaskan households and working-age disabled households were also less likely to use bank credit.

The Greater Miami Chamber of Commerce has not taken a position on the issue of cashless businesses, and questions how it would impact businesses like Uber, Lyft and scooter companies. Attempts were made to get position statements or other data from the Florida Retail Federation, and the Miami-Dade Chamber of Commerce but those attempts were not successful. The Miami-Dade County Consumer Protection Division also reviewed its database of complaints and did not find any based on the refusal of a business to accept cash.

Conclusion

In summary, there are well thought out positions in favor of and against cashless establishments. Legislation prohibiting business from refusing cash is legal and feasible. The best legislation will take into account the differing needs of Miami-Dade’s various retail businesses, and the associated costs and convenience for both businesses and consumers.

Per ordinance No. 14-65, this report shall be placed on the next available Board meeting agenda. Should you require additional information, please contact Cynthia A. Everett, Consumer Advocate, Consumer Protection Division in the Department of Regulatory and Economic Resources at (786) 469-2389) or at Cynthia.Everett@miamidade.gov.

Attachments

c: Geri Bonzon-Keenan, County Attorney
 Gerald Sanchez, First Assistant County Attorney
 Jess McCarty, Executive Assistant County Attorney
 Office of the Mayor Senior Staff
 Jimmy Morales, Chief Operations Officer
 Lourdes Gomez, Director, Regulatory and Economic Resources
 Gregory Baker, Division Chief II, Consumer Protection Division
 Yinka Majekodunmi, Commission Auditor

Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners
Page 5

Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
Melissa Adames, Director, Clerk of the Board
Eugene Love, Agenda Coordinator

Part III COURTS, JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL
CASES

Title IV CERTAIN WRITS AND PROCEEDINGS IN SPECIAL CASES

Chapter 255D RETAIL INSTALLMENT SALES AND SERVICES

Section 10A DISCRIMINATION AGAINST CASH BUYERS

Section 10A. No retail establishment offering goods and services for sale shall discriminate against a cash buyer by requiring the use of credit by a buyer in order to purchase such goods and services. All such retail establishments must accept legal tender when offered as payment by the buyer.

New
 ◆1 - C.56:8-2.33

Jersey

Law

P.L. 2019, CHAPTER 50, *approved March 18, 2019*
 Assembly, No. 591 (*Third Reprint*)

AN ACT concerning payments by consumers and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. ¹[It shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for a] a. A¹ person selling or offering for sale goods or services at retail ¹[to] shall not¹ require a buyer to pay using credit or to prohibit cash as payment in order to purchase the goods or services. A person selling or offering for sale goods or services at retail shall accept legal tender when offered by the buyer as payment.

¹b. A person in violation of subsection a. of this section shall be subject to a civil penalty of up to \$2,500 for a first offense and up to \$5,000 for a second offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

A third violation of subsection a. of this section is an unlawful practice under P.L.1960, c.39 (C.56:8-1 et seq.), and for the purposes of this subsection shall be considered a first offense under P.L.1960, c.39 (C.56:8-1 et seq.).

A fourth or subsequent violation of subsection a. of this section is an unlawful practice under P.L.1960, c.39 (C.56:8-1 et seq.), and for the purposes of this subsection shall be considered a subsequent offense under P.L.1960, c.39 (C.56:8-1 et seq.).

c.¹ ²The provisions of this section shall not apply to:

(1) any person selling goods or services at an airport, provided that at least two persons selling food at each terminal within the airport accept cash as payment;

(2) any parking facility owned by a municipality, regardless of whether the facility is operated by the municipality, a parking authority, or an independent third party;³[and]³

(3) any parking facility that accepts mobile payment, provided that the facility does not accept payment by any means other than mobile payment³; and

(4) any company in the business of renting motor vehicles, provided that the company accepts a cashier's check or a certified check when offered by a buyer as payment³.

d.² As used in this section, "at retail" shall include any retail transaction conducted in person and exclude any telephone, mail, or Internet-based transaction.

2. This act shall take effect immediately.

Prohibits discrimination against cash-paying consumers.

City of Philadelphia-Fair Practices Ordinance-Cashless Retail Prohibition

§ 9-1132. Cashless Retail Prohibition. 1088

(1) A person selling or offering for sale consumer goods or services at retail is prohibited from refusing to accept cash as a form of payment to purchase goods or services. A person selling or offering for sale goods or services at retail shall not:

- (a) Refuse to accept cash as a form of payment;
- (b) Post signs on the premises that cash payment is not accepted;
- (c) Charge a higher price to customers who pay cash than they would pay using any other form of payment.

(2) For purposes of this Section 9-1132, "at retail" shall include any retail transaction conducted in person and shall exclude:

- (a) any telephone, mail, or internet transactions;
- (b) parking lots and parking garages;
- (c) transactions at wholesale clubs that sell consumer goods and services through a membership model;
- (d) transactions at retail stores selling consumer goods exclusively through a membership model that requires payment by means of an affiliated mobile device application;
- (e) transactions for the rental of consumers goods, services, or accommodations for which posting of collateral or security is typically required;
- (f) consumer goods or services provided exclusively to employees and others authorized to be on the employer's premises.

(3) Violations of this Section shall be subject to penalties set forth in subsection 9-1121(1).

(4) The Commission is authorized to promulgate and issue such regulations as are necessary or appropriate to implement the provisions of this Section.

Notes

1088 Added, Bill No. 180943 (approved February 27, 2019), effective July 1, 2019.

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2020**

No. 34

Introduced by Council Members Torres, Espinal, Powers, Deutsch, Cumbo, Lander, Brannan, Dromm, Reynoso, Rivera, Constantinides, Kallos, Levine, Ayala, Rosenthal, Moya, Rose, Cornegy, Koslowitz, Lancman, Levin, Cohen, Chin, Vallone, Barron, Maisel and The Public Advocate (Mr. Williams).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to prohibiting food stores and retail establishments from refusing to accept payment in cash

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 21 to read as follows:

SUBCHAPTER 21

CASHLESS ESTABLISHMENTS PROHIBITED

§ 20-840 Cashless establishments prohibited. a. Definitions. For purposes of this subchapter, the following terms have the following meanings:

Cash. The term “cash” means United States coins and currency, including federal reserve notes. Cash does not include foreign currency; any paper instrument other than a federal reserve note, including, but not limited to, any check, bond, or promissory note; or any foreign metal coin.

Consumer commodity. The term “consumer commodity” means any article, good, merchandise, product or commodity of any kind or class produced, distributed or offered for retail sale for consumption by individuals, or for personal, household or family purposes.

Food store. The term “food store” means an establishment which gives or offers for sale food or beverages to the public for consumption or use on or off the premises, or on or off a pushcart, stand or vehicle.

Retail establishment. The term “retail establishment” means an establishment wherein consumer commodities are sold, displayed or offered for sale, or where services are provided to consumers at retail. This definition does not include banks or trust companies as those terms are defined in section 2 of article 1 of the banking law.

b. It shall be unlawful for a food store or a retail establishment to refuse to accept payment in cash from consumers, provided that such food store or retail establishment may refuse to accept payment:

- 1. In cash bills denominated above \$20; or*
- 2. In cash for any telephone, mail, or internet-based transaction, unless the payment for such transaction takes place on the premises of such food store or retail establishment.*

c. No food store or retail establishment shall charge a higher price for the same consumer commodity to a consumer who pays in cash than to a consumer who pays for such commodity through a cash-less transaction.

d. A food store or retail establishment that violates this section is liable for a civil penalty of not more than \$1000 for the first violation and a civil penalty of not more than \$1500 for each subsequent violation.

e. 1. This subchapter shall not apply to a food store or retail establishment that provides a device on premises that converts cash, without charging a fee or requiring a minimum deposit amount greater than one dollar, into a prepaid card that allows a consumer to complete a transaction at such food store or retail establishment.

2. Upon request, such device shall provide each consumer with a receipt indicating the amount of cash such consumer deposited onto the prepaid card.

3. Cash deposits onto such a prepaid card shall not be subject to an expiration date and there shall be no limit on the number of transactions that may be completed on such prepaid card.

4. In the event that such device malfunctions, the food store or retail establishment where such device is located shall accept payment in cash from consumers throughout the time period in which such device does not function in accordance with the standards set forth in this subchapter. Such food store or retail establishment shall place a conspicuous sign on or immediately adjacent to such device indicating that such food store or retail establishment is required by law to accept cash if such device malfunctions, and that consumers may report any violation to 311. The department may establish by rule additional requirements relating to such signs and the display of such signs.

§ 2. This local law takes effect 270 days after it becomes law, except that the department of consumer affairs may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on January 23, 2020 and returned unsigned by the Mayor on February 24, 2020.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 34 of 2020, Council Int. No. 1281-A of 2018 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

City of San Francisco

ARTICLE 55: ACCEPTANCE OF CASH BY BRICK-AND- MORTAR BUSINESSES

<u>Sec. 5500.</u>	Title.
<u>Sec. 5501.</u>	Findings and Purpose.
<u>Sec. 5502.</u>	Definitions.
<u>Sec. 5503.</u>	Brick-and-Mortar Businesses Required to Accept Cash.
<u>Sec. 5504.</u>	Exceptions.
<u>Sec. 5505.</u>	Enforcement.
<u>Sec. 5506.</u>	Treasurer's Report.

SEC. 5500. TITLE.

This Article 55 shall be known and may be cited as the "Legal Rights for Legal Tender Ordinance."

(Added by Ord. 100-19, File No. 190164, App. 5/24/2019, Eff. 6/24/2019, Oper. 8/23/2019)

SEC. 5501. FINDINGS AND PURPOSE.

(a) San Francisco strives to be a welcoming, inclusive place for all City residents. Consistent with this ethos of inclusivity, the City strives to empower all of its residents to participate in San Francisco's economic life. A key aspect of participation in economic life in the City, as anywhere, is the ability as a consumer to purchase goods and services.

(b) For many City residents (for example, those who are denied access to credit, or who are unable to obtain bank accounts), the ability to engage in consumer transactions depends on the ability to pay for goods and many services in cash. This is especially true of the very poor.

(c) Millions of Americans do not hold bank accounts, or otherwise fall outside the non-cash financial system. Some stand apart by choice, because they are concerned about privacy and do not want their every financial transaction recorded by banks and credit card companies; physical cash remains the most accessible anonymous medium of exchange in this country. Others may not be well situated to participate in the formal banking system, or may be excluded from that system against their will. In short, denying the ability to use cash as a payment method means excluding too many people.

(d) According to the Federal Deposit Insurance Corporation (FDIC), in 2017, 17% of all African-American households and 14% of all Latino households in the U.S. had no bank account. These numbers may be much higher in San Francisco, where, according to a 2005 study commissioned by the City, as many as 50% of African-American and Latino households were estimated to be unbanked. In this reality, not accepting cash payment is tantamount to systematically excluding segments of the population that are largely low-income people of color.

Cashless business models may also have significant detrimental impacts on young people who do not meet age requirements for credit cards, for the elderly (many of whom have not transitioned to credit and digital payment modes at the same rate as younger generations), and for other vulnerable groups (such as homeless and immigrant populations).

(e) The City must remain vigilant in ensuring its economy is inclusionary and accessible to everyone. The purpose of this Article 55 is to ensure that all City residents—including those who lack access to other forms of payment—are able to participate in the City’s economic life by paying cash for goods and many services.

(Added by Ord. 100-19, File No. 190164, App. 5/24/2019, Eff. 6/24/2019, Oper. 8/23/2019)

SEC. 5502. DEFINITIONS.

For purposes of this Article 55, the following definitions apply:

“Brick-and-Mortar Business” means any place of business operating at a fixed, permanent physical premises. Brick-and-Mortar Business does not include any business not operating at a physical premises in San Francisco (one example being a business operating in the City exclusively via the Internet without any physical premises in the City), or any business operating from a vehicle or other mobile space (one example being a food truck), or any business operating from a temporary physical premises (one example being a pop-up).

“Cash” means United States currency, in the form of both paper Federal Reserve Notes and metal coins. Cash does not include currency issued under the authority of any country other than the United States; any paper instrument other than a Federal Reserve Note (including, but not limited to, any check, bond, or promissory note); or any metal coin (including, but not limited to, any gold or silver coin) that is not legal tender in the United States.

“City” means the City and County of San Francisco.

“Professional Services” means services that require extended analysis, the exercise of discretion and independent judgment in their performance, and/or the application of an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience in the field. Examples of Professional Services include, but are not limited to, services provided by accountants; architects; attorneys; engineers; financial advisers; insurance agents; interior designers; management and other consultants; and software developers. Notwithstanding the previous sentence, Professional Services does not include services provided by licensed medical and allied health care professionals, such as, but not limited to, doctors, dentists, and nurses. But licensure by the State or City does not in itself mean that an individual provides Professional Services; for example, a cosmetologist is not considered to provide Professional Services as defined. Trade or craft work, such as, but not limited to, shoe repair, tailoring of clothes, and dry cleaning, are not considered Professional Services for purposes of this Article 55.

“San Francisco County Sealer” or “Sealer” means the position identified in Administrative Code § 2A.221 as the County Agricultural Commissioner-Sealer of Weights and Measures, and includes the Sealer’s employees as assigned or other designees of the Sealer.

(Added by Ord. 100-19, File No. 190164, App. 5/24/2019, Eff. 6/24/2019, Oper. 8/23/2019)

SEC. 5503. BRICK-AND-MORTAR BUSINESSES REQUIRED TO ACCEPT CASH.

(a) Except as set forth in Section 5504, every Brick-and-Mortar Business within the City must accept payment in Cash, if offered, for any transaction involving the purchase of any tangible good and/or any service other than Professional Services if, in connection with that transaction, (1) the business would accept one or more other forms of payment (including, but not limited to,

check, credit card, debit card, or any type of electronic payment), regardless of when such form of payment is collected, and (2) the customer seeking to engage in that transaction is physically present at the place of business.

(b) Except as set forth in Section 5504, a Brick-and-Mortar Business may not charge a fee or place any other condition on its acceptance of Cash as required by subsection (a).

(Added by Ord. 100-19, File No. 190164, App. 5/24/2019, Eff. 6/24/2019, Oper. 8/23/2019)

SEC. 5504. EXCEPTIONS.

(a) **Suspected Counterfeit Currency.** A Brick-and-Mortar Business may refuse to accept Cash or putative Cash that the business reasonably suspects to be counterfeit.

(b) **Large Denominations.** A Brick-and-Mortar Business may refuse to accept Cash in any denomination larger than a twenty-dollar bill, but shall otherwise accept any combination of paper Federal Reserve Notes and metal coins in connection with any transaction covered by Section 5503.

(c) **Single Transactions Above \$5,000.** Where a single transaction involves the purchase of one or more goods and/or services, the total price of which (including tax) exceeds \$5,000, a Brick-and-Mortar Business must accept Cash that is proffered as payment for any amount up to \$5,000, but may refuse to accept Cash as payment for the remainder of the amount due. By way of example but not limitation, if a customer purchases an item or items of jewelry the total price of which (including tax) is \$7,500, the customer would be entitled to pay up to \$5,000 in cash, but the Brick-and-Mortar Business would be permitted to require the customer paying \$5,000 in cash to pay the remaining \$2,500 due using some form of payment other than Cash.

(Added by Ord. 100-19, File No. 190164, App. 5/24/2019, Eff. 6/24/2019, Oper. 8/23/2019)

SEC. 5505. ENFORCEMENT.

(a) **San Francisco County Sealer.** The San Francisco County Sealer shall have the authority to implement this Article 55 and enforce this Article as set forth in this Section 5505. The Sealer may issue rules, regulations, and/or guidance, as the Sealer deems appropriate, to aid in the implementation and enforcement of this Article.

(b) **No Worker Liability.** The obligation to ensure that a Brick-and-Mortar Business complies with this Article 55 shall fall only on the business, or (in any case in which the owner or owners of the business are responsible for a policy or practice causing a violation of this Article 55) on the owner or owners of the business. No employee or independent contractor working at a Brick-and-Mortar Business shall be held liable for any violation of this Article.

(c) **Violations Defined.** Each transaction or attempted transaction in which a Brick-and-Mortar Business fails to accept Cash as required by Section 5503 shall constitute a separate violation of this Article 55.

(d) **Penalties.** Any violation of this Article 55 shall be an infraction or misdemeanor punishable as hereinafter specified:

(1) For a first violation of this Article, an infraction punishable by a fine not exceeding \$100 and not less than \$50;

(2) For a second violation of this Article within a 12-month period, an infraction punishable by a fine not exceeding \$200 and not less than \$100; and

(3) For a third violation of this Article within a 12-month period, and any additional violation within a 12-month period, a misdemeanor punishable by a fine not exceeding \$1,000 and not less than \$500.

(e) **Enforcement Costs.** In addition to the penalties set forth in subsection (c), the court may order that a violator of this Article 55 reimburse the City for all its costs, including attorneys' fees, incurred in investigating and prosecuting the enforcement action against that violator.

(Added by Ord. 100-19, File No. 190164, App. 5/24/2019, Eff. 6/24/2019, Oper. 8/23/2019)

SEC. 5506. TREASURER'S REPORT.

By no later than December 31, 2026, the Treasurer shall submit a report to the Board of Supervisors and the Mayor on the findings contained in the report on the 2025 National Survey of Unbanked and Underbanked Households issued by the Federal Deposit Insurance Corporation. The report submitted by the Treasurer may, but need not, include recommendations concerning this Article 55.

(Added by Ord. 100-19, File No. 190164, App. 5/24/2019, Eff. 6/24/2019, Oper. 8/23/2019)

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Popular items reduced by 11 percent

MBS Will Transition to Stadium-wide Cashless Transactions March 10

<https://mercedesbenzstadium.com/card-mobile-payment/>

ATLANTA, GA – March 4, 2019 – Mercedes-Benz Stadium (MBS) is raising the bar on food and beverage by lowering prices on some of the most popular food items for a second consecutive year. MBS's award-winning food and beverage experience, which has inspired a revolution in the industry with several professional and collegiate teams and venues across the country following suit, will reduce prices by 11 percent on five of the top items beginning March 10 for Atlanta United's first home match against FC Cincinnati.

Thirteen months ago, MBS announced that despite a 50 percent drop in food prices, average spending per fan during 2017 Atlanta Falcons games increased by 16 percent over 2016 with an NFL voice of the fan rating of No. 1 across all food and beverage categories. The 2018 Falcons season proved just as successful as the 2017 season for MBS's food and beverage model. Continuing to offer the lowest pricing in the league, MBS guests spent on average the same amount as they did in 2017 and fans again rated the Falcons No. 1 in all food and beverage categories for the second consecutive year, including the two new categories added by the NFL for 2018; value, quality, variety, speed of service, variety of beverages and guest service.

As part of MBS's year-two success, stadium executives created operational efficiencies that further helped to improved bottom line margins by 15 percent over 2017 without raising prices, and while offering reduced prices on six concession items in 2018.

To further enhance the fan experience, MBS will become the first NFL and MLS stadium to implement a complete stadium-wide cashless transaction model on March 10, 2019. Transitioning to cashless transactions stadium-wide allows the stadium to move away from its whole-dollar pricing model, which was initially instituted to help speed transaction times, to further improve MBS's already best-in-class speed of service. Additionally, going cashless produces more flexibility to adjust prices on food and beverage options more regularly, creating the opportunity to lower prices incrementally versus keeping prices static. MBS already holds the single-event record for all sports venues run by the stadium's payment and transactions processing partner, NCR, for the number of credit card transactions processed on food and beverage with 76,446 transactions processed at Super Bowl LIII.

Learn more about [**Card & Mobile Payment**](#)

Q: Why did you decide to go cashless?

There were several factors that went into the decision to transition to card and mobile payment only transactions.

- Although MBS has ranked No. 1 in speed of service across all NFL venues two years in a row, eliminating the need to make change allows for quicker transaction times and lower wait times, making the fan experience even better.
- The cashless model allows the stadium to operate more efficiently and effectively, giving our service teams the opportunity to focus more on the guest.
- This model provides MBS more flexibility to lower prices on food items more frequently.
- For a second year, MBS is rated No. 1 overall in safety and security. Cashless models have proven to be a safer model to implement across the retail and hospitality industries.

If I come to the stadium with only cash can I still make purchases?

Yes, ten cash-to-card kiosks will be available around the stadium for those who prefer not to use their own cards or who prefer to carry cash. Guests will be able to feed the cash into the machine and obtain a pre-paid debit card with the same amount with **no transaction fee. These cards can be utilized as any other pre-paid debit card or credit card within the stadium as well as outside the stadium.**