



February 9, 2023

Madame Chair and Members of the Committee,

On behalf of the Wichita Regional Chamber of Commerce and our nearly 1,500 members, thank you for the opportunity to testify in favor of S.B. 104, AN ACT concerning financial institutions; relating to payments made with credit and debit cards; allowing a surcharge for use of such cards.

S.B. 104 would make it legal for businesses to pass a surcharge on to the consumer when a customer chooses to pay with a credit card. This would ultimately put businesses on equal footing with government, who currently are able to partake in this practice. Our members truly see this as a matter of transparency between businesses and consumers, while also providing businesses with an avenue to recoup the surcharges that credit card companies are currently charging businesses.

Currently, Kansas is one of four states who have yet to allow these surcharges. The U.S. District Court decision *CardX v State of Kansas* opened the door for these surcharges to be implemented when they ruled it was unconstitutional to prohibit these surcharges and they violated freedom of speech. This bill would rectify in statute that a business does have the right to enact a surcharge in instances where an individual elects to use a credit card.

We believe that S.B. 104 truly helps to bring Kansas in line with what we are seeing throughout the country and creates transparency between consumers and businesses. Therefore, we ask that the Committee report S.B. 104 favorable for passage.

Very truly yours,

Jason P. Watkins