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The Office of the District Attorney's Consumer Protection Division wants residents of Sedgwick County to be aware of a recent change in Kansas state law that may have an effect on their daily spending habits. As of January 1, 2025, merchants can legally add a surcharge to credit card transactions, as long as clear notice is provided to the customer before the sale.

K.S.A. 16a-2-403 has been amended to allow any person or retailer offering sales, services or lease transactions to impose a surcharge on credit card payments, as long as the amount of the surcharge is disclosed through a "clear and conspicuous notice to the customer at the point of entry or the point of sale and in advance of such transaction."

Before this change in the law, Kansas had what amounted to a ban on surcharges, allowing only for cash discounts on sales. In 2021, however, the ban was held to be unconstitutional in a federal case, finding it was a violation of the First Amendment.

Although debit cards are not mentioned in the body of the new Kansas statute, adding a debit card surcharge remains illegal in all 50 states under federal law, specifically the Durbin Amendment to the Dodd-Frank Reform and Consumer Protections Act. Similarly, because Kansas state law has no maximum surcharge, the maximum allowed in Kansas is capped by federal law at 4%.

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