

Witherspoon Examines New Jersey Regulations for Credit Card Surcharges in *Law360*

In the News

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Stinson LLP attorney [Tom Witherspoon](#) authored an article for *Law360*, “NJ Law Reinforces States’ Stance Against Card Surcharges.”

In August, New Jersey Gov. Phil Murphy signed into law a bill that limits surcharges on credit card purchases. As Witherspoon writes, New Jersey’s approach is a “new type of response” that differs from the 12 other states and territories that currently have credit card surcharge laws on their books.

“The legislation may have been motivated by the federal consumer financial regulatory climate, in which the Biden Administration has come out strongly against fees charged in the consumer financial market, including so-called ‘pay-to-pay’ fees, or convenience fees,” Witherspoon said.

Witherspoon’s work for banking and financial clients routinely includes 50-state analysis of applicability of state consumer credit laws. A patchwork of state laws, attorney general opinions and court decisions govern a complex regulatory environment for card networks.

“While it is not exactly clear what the federal regulators and plaintiffs’ bar believe is a permissible fee or charge, it is nevertheless important to any company’s risk analysis to consider such recent actions before deciding to charge a new fee or to continue charging an existing one,” Witherspoon said.

Witherspoon’s practice focuses on payments, consumer financial products, and other bank and financial regulatory matters, with an emphasis on compliance, financial transactional and litigation matters. He helps banks and other financial institutions navigate the complexities of federal and state law and regulation applicable to their operations, relationships, product development and compliance management.

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