

March 9, 2026

Delaware House of Representatives  
Legislative Hall  
411 Legislative Avenue  
Dover, DE 19901

**Re: HB-315 AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO CREDIT CARD FEES.**

Dear Chair Bush, Vice-Chair Carson, and Members of the House Economic Development, Banking, Insurance & Commerce Committee,

We write on behalf of the American Financial Services Association (AFSA)<sup>1</sup> to share our opposition to HB 315 and urge the Subcommittee to reconsider imposing a mandate that interferes with long-standing free-market choices made by private businesses.

Merchants today already have complete freedom in how they accept payment. They may accept tips in cash—yesterday, today, and tomorrow. They are not required to process tips on credit or debit cards. As private businesses, they retain full discretion to decide which payment methods they accept, including cash, checks, credit or debit cards, cryptocurrency, PayPal, Venmo or any combination thereof. When new and emerging payment options entered the marketplace, the government did not step in to require businesses to accept them. No law compels merchants to use any particular payment method, processor, or merchant acquiring bank.

This flexibility is a hallmark of a free market. Merchants value the ability to make these decisions based on their operational needs, customer preferences, and cost considerations—without government interference. Accordingly, many merchants would strongly oppose any state mandate that restricts or overrides these choices.

HB 315 moves in the opposite direction. Rather than preserving market freedom, it would

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<sup>1</sup> Founded in 1916, the American Financial Services Association (AFSA), based in Washington, D.C., is the primary trade association for the consumer credit industry, protecting access to credit and consumer choice. AFSA members provide consumers with many kinds of credit, including traditional installment loans, direct and indirect vehicle financing, mortgages, and payment cards. AFSA members include national banks and non-bank state licensed financial institutions. AFSA does not represent payday lenders, title lenders, or credit unions.

impose a new burdensome regulatory requirement that effectively mandates one business sector to provide services at no cost to another business sector. This type of mandate is unnecessary and sets a troubling precedent. Delaware should be cautious about compelling private entities to absorb costs or provide services for free, particularly when no market failure has been demonstrated.

Merchants who choose not to accept tips in cash do so voluntarily. They make this choice because they want the benefits associated with electronic payments: instant point-of-sale settlement, friction-free transactions for customers, reduced risk, simplified accounting, and avoidance of the operational burdens that come with handling cash. These are business decisions that should be made by the business – not by unnecessary legislative action that would disrupt a well-functioning payment ecosystem.

HB 315 attempts to solve an issue that the market already addresses effectively. Merchants and service providers are best positioned to decide what payment options work for their businesses and customers. Government intervention in these decisions risks unintended consequences, higher costs, and reduced flexibility for small and large businesses alike.

For these reasons, I respectfully urge you to oppose HB 315 and to preserve the free-market principles that allow Delaware businesses to operate efficiently, competitively, and independently.

Thank you for considering our comments. If you have any questions or would like to discuss this further, please do not hesitate to contact me at 585-953-9624 or at [coconnor@afsamail.org](mailto:coconnor@afsamail.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'Christian O'Connor', is written in a cursive style.

Christian O'Connor  
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