

Senator Curtis S. Bramble proposes the following substitute bill:

CONSUMER PROTECTION REVISIONS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

This bill prohibits sellers from imposing a surcharge on a transaction paid for with a financial transaction card.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits sellers from imposing a surcharge on a transaction for \$10,000 or less that is paid for with a financial transaction card; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

13-38a-101, Utah Code Annotated 1953

13-38a-201, Utah Code Annotated 1953

13-38a-202, Utah Code Annotated 1953



26 13-38a-301, Utah Code Annotated 1953

27 13-38a-302, Utah Code Annotated 1953

28 RENUMBERS AND AMENDS:

29 13-38a-102, (Renumbered from 13-38-101, as enacted by Laws of Utah 2003, Chapter
30 9)

31 13-38a-203, (Renumbered from 13-38-102, as enacted by Laws of Utah 2003, Chapter
32 9)

34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section 13-38a-101 is enacted to read:

36 **CHAPTER 38a. FINANCIAL TRANSACTION CARD PROTECTION ACT**

37 **Part 1. General Provisions**

38 **13-38a-101. Title.**

39 (1) This chapter is known as the "Financial Transaction Card Protection Act."

40 (2) This part is known as "General Provisions."

41 Section 2. Section 13-38a-102, which is renumbered from Section 13-38-101 is
42 renumbered and amended to read:

43 ~~[13-38-101].~~ **13-38a-102. Definitions -- Financial transaction card receipt**
44 **requirements.**

45 [(+) As used in this chapter:

46 [(a) "Division" means the Division of Consumer Protection in the Department of
47 Commerce.]

48 [(b)-(i)] (1) (a) "Financial transaction card" means any card, code, or other means of
49 access to a person's account issued to a person that allows the person to obtain, purchase, or
50 receive any of the following:

51 [(A)] (i) goods;

52 [(B)] (ii) services;

53 [(C)] (iii) money; or

54 [(D)] (iv) anything else of value.

55 [(i)] (b) "Financial transaction card" includes:

56 [(A)] (i) a credit card;

- 57 ~~[(B)]~~ (ii) a credit plate;
- 58 ~~[(C)]~~ (iii) a bank services card;
- 59 ~~[(D)]~~ (iv) a banking card;
- 60 ~~[(E)]~~ (v) a check guarantee card;
- 61 ~~[(F)]~~ (vi) a debit card;
- 62 ~~[(G)]~~ (vii) a telephone credit card; and
- 63 ~~[(H)]~~ (viii) a device for access as defined in Section 7-16a-102.

64 ~~[(e)]~~ (2) "Receipt" means any document related to the transaction of business provided
 65 to a person that uses a financial transaction card.

66 ~~[(2) A person that accepts a financial transaction card for the transaction of business
 67 may not, on a financial transaction card receipt:]~~

68 ~~[(a) print more than the last five digits of the financial transaction card account
 69 number; or]~~

70 ~~[(b) print the financial transaction card expiration date:]~~

71 ~~[(3) (a) This section applies only to receipts that are electronically printed:]~~

72 ~~[(b) This section does not apply to transactions in which the initial means of recording
 73 the financial transaction card number is by:]~~

74 ~~[(i) handwriting; or]~~

75 ~~[(ii) an imprint or copy of the financial transaction card:]~~

76 (3) "Seller" means a person, other than a government entity, that accepts payment by a
 77 financial transaction card.

78 (4) "Surcharge" means an additional charge added to a transaction paid for by using a
 79 financial transaction card, but not added to a transaction paid for by a means other than a
 80 financial transaction card.

81 Section 3. Section **13-38a-201** is enacted to read:

Part 2. Financial Transaction Card Receipts

13-38a-201. Title.

84 This part is known as "Financial Transaction Card Receipts."

85 Section 4. Section **13-38a-202** is enacted to read:

13-38a-202. Limitation on information contained in receipts.

87 (1) A person that accepts a financial transaction card for the transaction of business

88 may not, on a financial transaction card receipt:

89 (a) print more than the last five digits of the financial transaction card account number;

90 or

91 (b) print the financial transaction card expiration date.

92 (2) (a) This section applies only to receipts that are electronically printed.

93 (b) This section does not apply to transactions in which the initial means of recording

94 the financial transaction card number is by:

95 (i) handwriting; or

96 (ii) an imprint or copy of the financial transaction card.

97 Section 5. Section **13-38a-203**, which is renumbered from Section 13-38-102 is

98 renumbered and amended to read:

99 **[13-38-102]. 13-38a-203. Private action.**

100 (1) A person may bring an action in any state court of competent jurisdiction against a
101 person that violates any of the requirements of this chapter.

102 (2) In an action under Subsection (1), a person may:

103 (a) recover the amount of any actual damages caused by the violation of this chapter;

104 (b) recover court costs and reasonable attorney fees as determined by the court; and

105 (c) seek to enjoin conduct in violation of this chapter.

106 Section 6. Section **13-38a-301** is enacted to read:

107 **Part 3. Financial Transaction Card Surcharges**

108 **13-38a-301. Title.**

109 This part is known as "Financial Transaction Card Surcharges."

110 Section 7. Section **13-38a-302** is enacted to read:

111 **13-38a-302. Financial transaction card surcharges prohibited.**

112 A seller may not impose a surcharge on a transaction for \$10,000 or less that is paid for
113 by using a financial transaction card.