

1 **RETAILER REQUIREMENTS IN PRINTING**
2 **FINANCIAL TRANSACTION CARD RECEIPT**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Carlene M. Walker**

6 **This act modifies the Commerce and Trade Code by enacting provisions prohibiting a**
7 **person from printing more than the last five digits of a financial transaction card account**
8 **number or the expiration date on a financial transaction card receipt. This act takes**
9 **effect on January 1, 2004.**

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 ENACTS:

12 **13-37-101**, Utah Code Annotated 1953

13 **13-37-102**, Utah Code Annotated 1953

14 **13-37-103**, Utah Code Annotated 1953

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

16 Section 1. Section **13-37-101** is enacted to read:

17 **CHAPTER 37. FINANCIAL TRANSACTION CARD RECEIPTS**

18 **13-37-101. Definitions -- Financial transaction card receipt requirements.**

19 (1) As used in this chapter:

20 (a) "Division" means the Division of Consumer Protection in the Department of
21 Commerce.

22 (b) (i) "Financial transaction card" means any card, code, or other means of access to a
23 person's account issued to a person that allows the person to obtain, purchase, or receive any of
24 the following:

25 (A) goods;

26 (B) services;

27 (C) money; or



- 28 (D) anything else of value.
- 29 (ii) "Financial transaction card" includes:
- 30 (A) a credit card;
- 31 (B) a credit plate;
- 32 (C) a bank services card;
- 33 (D) a banking card;
- 34 (E) a check guarantee card;
- 35 (F) a debit card;
- 36 (G) a telephone credit card; and
- 37 (H) a device for access as defined in Section 7-16a-102.
- 38 (c) "Receipt" means any document related to the transaction of business provided to a
- 39 person that uses a financial transaction card.
- 40 (2) A person that accepts a financial transaction card for the transaction of business
- 41 may not, on a financial transaction card receipt:
- 42 (a) print more than the last five digits of the financial transaction card account number;
- 43 or
- 44 (b) print the financial transaction card expiration date.
- 45 (3) (a) This section applies only to receipts that are electronically printed.
- 46 (b) This section does not apply to transactions in which the initial means of recording
- 47 the financial transaction card number is by:
- 48 (i) handwriting; or
- 49 (ii) an imprint or copy of the financial transaction card.
- 50 Section 2. Section **13-37-102** is enacted to read:
- 51 **13-37-102. Penalties -- Administrative and criminal.**
- 52 (1) Any person who violates this chapter is subject to:
- 53 (a) a cease and desist order; and
- 54 (b) an administrative fine of not less than \$100 or more than \$1,000 for each separate
- 55 violation.
- 56 (2) All administrative fines shall be deposited in the Consumer Protection Education
- 57 and Training Fund created in Section 13-2-8.
- 58 (3) (a) Any person who intentionally violates this chapter is guilty of a class A

59 misdemeanor and may be fined up to \$2,500.

60 (b) A person intentionally violates this chapter if the violation occurs after the division,
61 attorney general, or a district or county attorney notifies the person by certified mail that the
62 person is in violation of this chapter.

63 Section 3. Section **13-37-103** is enacted to read:

64 **13-37-103. Enforcement.**

65 (1) The division shall investigate and assess administrative fines for violations of this
66 chapter.

67 (2) Upon referral from the division, the attorney general or any district or county
68 attorney may:

69 (a) bring an action for temporary or permanent injunctive or other relief in any court of
70 competent jurisdiction for any violation of this chapter. The court may, upon entry of final
71 judgment, award restitution when appropriate to any person suffering loss because of a
72 violation of this chapter if proof of loss is submitted to the satisfaction of the court;

73 (b) bring an action in any court of competent jurisdiction for the collection of
74 administrative fines assessed by the division under Subsection 13-37-102(1); or

75 (c) bring an action under Subsection 13-37-102(3).

76 Section 4. **Effective date.**

77 This act takes effect on January 1, 2004.

Legislative Review Note
as of 9-4-02 7:13 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-11-02 9:53 AM

The Business and Labor Interim Committee recommended this bill.

Fiscal Note
Bill Number SB0006

Retail Requirements in Printing Financial Transaction
Card Receipt

21-Jan-03
11:58 AM

State Impact

This bill would require an Investigator at a cost of \$36,100 the first year and \$50,800 the second year from the Commerce Service Fund. Appropriations from the Commerce Service Fund affect the amount available for transfer to the General Fund.

	<u>FY 04 Approp.</u>	<u>FY 05 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Revenue</u>
Commerce Service Fund	\$36,100	\$50,800	\$0	\$0
TOTAL	\$36,100	\$50,800	\$0	\$0

Individual and Business Impact

Businesses may incur costs to reprogram credit card machines and cash registers.

Office of the Legislative Fiscal Analyst