

1 **ACCESS TO POINT-OF-SALE DEVICES**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Roger E. Barrus**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Commerce and Trade provisions to enact the Point-of-Sale
10 Device Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ enacts the Point-of-Sale Device Act;
- 14 ▶ defines terms; and
- 15 ▶ establishes access requirements for certain point-of-sale devices.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 This bill takes effect on July 1, 2006.

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **13-42-101**, Utah Code Annotated 1953

23 **13-42-102**, Utah Code Annotated 1953

24 **13-42-201**, Utah Code Annotated 1953

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

27 Section 1. Section **13-42-101** is enacted to read:



28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

CHAPTER 42. POINT-OF-SALE DEVICE ACT

Part 1. General Provisions

13-42-101. Title.

This chapter is known as the "Point-of-Sale Device Act."

Section 2. Section **13-42-102** is enacted to read:

13-42-102. Definitions.

As used in this chapter:

(1) "Automated teller machine" is as defined in Section 7-16a-102.

(2) "Customer" means a user of a point-of-sale device.

(3) "Operator" means a person who owns or who contracts with an owner of a point-of-sale device to operate the point-of-sale device.

(4) (a) Except as provided in Subsection (4)(b), "point-of-sale device" means a device used by a customer for the purchase of a good or service if the customer's personal identification number is required for use of the device.

(b) "Point-of-sale device" does not include:

(i) an automated teller machine; or

(ii) a point-of-sale device that is designed to service or exclusively services a motor fuel dispenser.

Section 3. Section **13-42-201** is enacted to read:

Part 2. Requirements for Point-of-Sale Device

13-42-201. Requirements of an operator of a point-of-sale device.

(1) (a) In accordance with this section, an operator of a point-of-sale device at a retail establishment that has a video touch screen or other nontactile keypad shall ensure that the point-of-sale device is also equipped with:

(i) a keypad that:

(A) is a tactually discernible keypad similar to a telephone keypad;

(B) enables a visually impaired customer to enter:

(I) the customer's own personal identification number; or

(II) other personal information necessary to process the transaction;

(C) provides the opportunity for the same degree of privacy input and output available to all individuals; and

59 (D) contains a raised dot on the number 5 key that has:
60 (I) a dot base diameter between 1.5 millimeters and 1.6 millimeters; and
61 (II) a height between 0.6 millimeters and 0.9 millimeters; or
62 (ii) other technology that enables a visually impaired customer:
63 (A) to access the video touch screen device with the customer's personal identifier; and
64 (B) to process the customer's transaction in a manner that provides the opportunity for
65 the same degree of privacy input and output available to all individuals.

66 (b) Notwithstanding Subsection (1)(a), if a physical location of a retail establishment
67 has two or more point-of-sale devices operated by the same operator, only 50% of the
68 point-of-sale devices are required to be equipped as provided in Subsection (1).

69 (c) (i) A point-of-sale device does not comply with this section unless it includes a
70 device, whether internal or external to the point-of-sale device, that:

- 71 (A) does not lend itself to easy removal;
- 72 (B) allows visually impaired users easy access; and
- 73 (C) otherwise meets the terms and conditions of this section.

74 (ii) If the point-of-sale device is free standing, the tactile keyboard or other technology
75 shall be permanently attached to the point-of-sale device by means of a braided wire or some
76 other tether.

77 (2) The operator described in Subsection (1) shall comply with the requirements of
78 Subsection (1) by the sooner of:

79 (a) after July 1, 2006, the day on which the point-of-sale device is changed to include a
80 video touch screen or other nontactile keypad; or

81 (b) July 1, 2007.

82 (3) This section does preclude or limit any other existing right or remedy as it pertains
83 to point-of-sale devices and accessibility.

84 **Section 4. Effective date.**

85 This bill takes effect on July 1, 2006.

Legislative Review Note

as of 2-6-06 11:35 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0432

Access to Point-of-sale Devices

14-Feb-06

10:14 AM

State Impact

No significant fiscal impact.

Individual and Business Impact

The bill requires businesses to purchase new keypad devices.

Office of the Legislative Fiscal Analyst