

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 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

13-38a-301, Utah Code Annotated 1953

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)(+) (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 [(+) (b) "Financial transaction card" includes:

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

57 [(B) (ii) a credit plate;

58 [(C) (iii) a bank services card;

- 90 (b) print the financial transaction card expiration date.
- 91 (2) (a) This section applies only to receipts that are electronically printed.
- 92 (b) This section does not apply to transactions in which the initial means of recording
- 93 the financial transaction card number is by:
- 94 (i) handwriting; or
- 95 (ii) an imprint or copy of the financial transaction card.

96 Section 5. Section **13-38a-203**, which is renumbered from Section 13-38-102 is
 97 renumbered and amended to read:

98 ~~[13-38-102].~~ **13-38a-203. Private action.**

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

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

- 102 (a) recover the amount of any actual damages caused by the violation of this chapter;
- 103 (b) recover court costs and reasonable attorney fees as determined by the court; and
- 104 (c) seek to enjoin conduct in violation of this chapter.

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

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

107 **13-38a-301. Title.**

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

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

110 **13-38a-302. Financial transaction card surcharges prohibited.**

111 A seller may not impose a surcharge on a transaction paid for with a financial
 112 transaction card.