1	CONSUMER PROTECTION REVISIONS
2	2013 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Curtis S. Bramble
5	House Sponsor:
6 7	LONG TITLE
8	General Description:
9	•
	This bill prohibits sellers from imposing a surcharge on a transaction paid for with a
10	financial transaction card.
11	Highlighted Provisions:
12	This bill:
13	defines terms;
14	 prohibits sellers from imposing a surcharge on a transaction paid for with a financial
15	transaction card; and
16	makes technical changes.
17	Money Appropriated in this Bill:
18	None
19	Other Special Clauses:
20	None
21	Utah Code Sections Affected:
22	ENACTS:
23	13-38a-101 , Utah Code Annotated 1953
24	13-38a-201 , Utah Code Annotated 1953
25	13-38a-202 , Utah Code Annotated 1953
26	13-38a-301 , Utah Code Annotated 1953
27	13-38a-302 , Utah Code Annotated 1953



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RENUMBERS AND AMENDS:
13-38a-102, (Renumbered from 13-38-101, as enacted by Laws of Utah 2003, Chapter
9)
13-38a-203, (Renumbered from 13-38-102, as enacted by Laws of Utah 2003, Chapter
9)
Be it enacted by the Legislature of the state of Utah:
Section 1. Section 13-38a-101 is enacted to read:
CHAPTER 38a. FINANCIAL TRANSACTION CARD PROTECTION ACT
Part 1. General Provisions
13-38a-101. Title.
(1) This chapter is known as the "Financial Transaction Card Protection Act."
(2) This part is known as "General Provisions."
Section 2. Section 13-38a-102, which is renumbered from Section 13-38-101 is
renumbered and amended to read:
[13-38-101]. <u>13-38a-102.</u> Definitions Financial transaction card receipt
requirements.
[(1)] As used in this chapter:
[(a) "Division" means the Division of Consumer Protection in the Department of
Commerce:
[(b) (i)] (1) (a) "Financial transaction card" means any card, code, or other means of
access to a person's account issued to a person that allows the person to obtain, purchase, or
receive any of the following:
[(A)] <u>(i)</u> goods;
[(B)] <u>(ii)</u> services;
[(C)] <u>(iii)</u> money; or
[(D)] <u>(iv)</u> anything else of value.
[(ii)] (b) "Financial transaction card" includes:
[(A)] (i) a credit card;
[(B)] (ii) a credit plate;
[(C)] <u>(iii)</u> a bank services card;

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59	[(D)] (iv) a banking card;
60	[(E)] <u>(v)</u> a check guarantee card;
61	[(F)] <u>(vi)</u> 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 that accepts payment by a financial transaction card.
77	(4) "Surcharge" means an additional charge, or exclusion from a discount, that results
78	in the total cost of a transaction exceeding what the total cost would be if the transaction was
79	paid for using a means other than a financial transaction card.
80	Section 3. Section 13-38a-201 is enacted to read:
81	Part 2. Financial Transaction Card Receipts
82	<u>13-38a-201.</u> Title.
83	This part is known as "Financial Transaction Card Receipts."
84	Section 4. Section 13-38a-202 is enacted to read:
85	13-38a-202. Limitation on information contained in receipts.
86	(1) A person that accepts a financial transaction card for the transaction of business
87	may not, on a financial transaction card receipt:
88	(a) print more than the last five digits of the financial transaction card account number:
89	or

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]. <u>13-38a-203.</u> 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	<u>13-38a-301.</u> 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.

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