

CREDIT CARD SURCHARGE AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Financial Transaction Card Protection Act.

Highlighted Provisions:

This bill:

- ▶ repeals sections that prohibit a seller from imposing a surcharge on a transaction for \$10,000 or less that is paid for by using a credit card; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-38a-102, as renumbered and amended by Laws of Utah 2013, Chapter 421

63I-1-213, as last amended by Laws of Utah 2013, Chapters 278 and 421

REPEALS:

13-38a-301, as enacted by Laws of Utah 2013, Chapter 421

13-38a-302, as enacted by Laws of Utah 2013, Chapter 421

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



28 Section 1. Section **13-38a-102** is amended to read:

29 **13-38a-102. Definitions.**

30 As used in this chapter:

31 (1) (a) "Financial transaction card" means any card, code, or other means of access to a
32 person's account issued to a person that allows the person to obtain, purchase, or receive any of
33 the following:

- 34 (i) goods;
- 35 (ii) services;
- 36 (iii) money; or
- 37 (iv) anything else of value.

38 (b) "Financial transaction card" includes:

- 39 (i) a credit card;
- 40 (ii) a credit plate;
- 41 (iii) a bank services card;
- 42 (iv) a banking card;
- 43 (v) a check guarantee card;
- 44 (vi) a debit card;
- 45 (vii) a telephone credit card; and
- 46 (viii) a device for access as defined in Section [7-16a-102](#).

47 (2) "Receipt" means any document related to the transaction of business provided to a
48 person that uses a financial transaction card.

49 ~~[(3) (a) "Seller" means a person that accepts payment by a financial transaction card.]~~

50 ~~[(b) "Seller" does not include:]~~

51 ~~[(i) a government entity; or]~~

52 ~~[(ii) a person acting on behalf of a government entity.]~~

53 ~~[(4) (a) "Surcharge" means an additional charge added to a transaction paid for by~~
54 ~~using a credit card, but not added to a transaction paid for by a means other than a credit card.]~~

55 ~~[(b) "Surcharge" does not include:]~~

56 ~~[(i) an exclusion from a discount that is offered on transactions paid for by means other~~
57 ~~than a credit card;]~~

58 ~~[(ii) a fee charged by a credit card company for use of a credit card; or]~~

59 [~~(iii) a fee authorized under Section 7-16a-202.~~]
60 Section 2. Section **63I-1-213** is amended to read:
61 **63I-1-213. Repeal dates, Title 13.**
62 [~~(1) Subsections 13-38a-102(3) and 13-38a-102(4) are repealed June 30, 2014.~~]
63 [~~(2) Sections 13-38a-301 and 13-38a-302 are repealed June 30, 2014.~~]
64 Section 3. **Repealer.**
65 This bill repeals:
66 Section **13-38a-301, Title.**
67 Section **13-38a-302, Credit card surcharges prohibited.**

Legislative Review Note
as of **9-10-13 6:36 AM**

Office of Legislative Research and General Counsel