

**HOUSE . . . . . No. 01007**

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The Commonwealth of Massachusetts

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PRESENTED BY:

***Robert F. Fennell***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to requiring photo identification for credit card purchases

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PETITION OF:

NAME:

*Robert F. Fennell*

DISTRICT/ADDRESS:

*10th Essex*

# HOUSE . . . . . No. 01007

By Mr. Robert F. Fennell of Lynn, petition (accompanied by bill, House, No. 01007) of Robert F. Fennell relative to requiring photo identification for credit card purchases. Joint Committee on Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ HOUSE  
□ , NO. 244 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act relative to requiring photo identification for credit card purchases

□.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 1. Chapter 266 of the General Laws, as appearing in the 2008 Official Edition, is hereby  
2 amended by inserting after Section 147 the following section: -

3 Section 148. Any person, firm, partnership, association or corporation which accepts credit  
4 cards used for credit card transactions between the cardholder and seller shall require the  
5 cardholder to present two forms of identification, one of which shall be the credit card being  
6 used and at least one of which shall include a photograph of the person presenting such  
7 identification.

8 The presentation of photo identification shall only be used as a visual confirmation of the  
9 identity of the person presenting the credit card as the cardholder or as an intended user of the  
10 credit

11 card expressly authorized by the cardholder to use the credit card.

12 Any person, firm, partnership, association or corporation which accepts credit cards used for  
13 credit card transactions between the cardholder and seller shall be required to post a sign with  
14 dimensions no less than twelve inches by eighteen inches informing credit card users that two  
15 forms of identification are required for use of any credit card, including one form which shall  
16 provide a photograph of the credit card user. All signs shall be prominently displayed in a  
17 clearly visible area near the cash register.

18 If a person, firm, partnership, association or corporation fails to ask for the cardholder's photo  
19 identification at the time of purchase, and it is later determined that those purchases were made  
20 with a stolen credit card, the person, firm, partnership, association or corporation shall be held  
21 liable for those purchases.

22 Any person, firm, partnership, association or corporation which owns a business and fails to  
23 comply with the requirements of this section shall be assessed a civil penalty not to exceed one  
24 hundred dollars for a first violation and two hundred dollars for a second or any subsequent  
25 violation. It shall be a defense to the imposition of any such civil penalty if the person, firm,  
26 partnership, association or corporation posted a sign as required by this section and such sign  
27 was removed or defaced by vandals, provided the person, firm, partnership, association or  
28 corporation subsequently complies with the provisions of this section. Further, a person, firm,  
29 partnership, association or corporation shall not be found liable for failing to comply with the

30 requirements of this section upon the demonstration, by a preponderance of the evidence, that the  
31 person, firm, association, or corporation maintained reasonable procedures to comply with this  
32 section, and the violation occurred as the result of a bona fide error by an employee.