

1 **CONSUMER PROTECTION REVISIONS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: Keven J. Stratton

7 **LONG TITLE**

8 **General Description:**

9 This bill prohibits sellers from imposing a surcharge on a transaction paid for with a
10 credit card.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ prohibits sellers from imposing a surcharge on a transaction for \$10,000 or less that
15 is paid for with a credit card;
- 16 ▶ repeals the provisions in this bill related to credit card surcharges on June 30, 2014,
17 subject to sunset review; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **63I-1-213**, as last amended by Laws of Utah 2011, Chapter 15

26 ENACTS:

27 **13-38a-101**, Utah Code Annotated 1953

28 **13-38a-201**, Utah Code Annotated 1953

29 **13-38a-202**, Utah Code Annotated 1953

30 13-38a-301, Utah Code Annotated 1953

31 13-38a-302, Utah Code Annotated 1953

32 RENUMBERS AND AMENDS:

33 13-38a-102, (Renumbered from 13-38-101, as enacted by Laws of Utah 2003, Chapter
34 9)

35 13-38a-203, (Renumbered from 13-38-102, as enacted by Laws of Utah 2003, Chapter
36 9)



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

39 Section 1. Section 13-38a-101 is enacted to read:

40 **CHAPTER 38a. FINANCIAL TRANSACTION CARD PROTECTION ACT**

41 **Part 1. General Provisions**

42 **13-38a-101. Title.**

43 (1) This chapter is known as the "Financial Transaction Card Protection Act."

44 (2) This part is known as "General Provisions."

45 Section 2. Section 13-38a-102, which is renumbered from Section 13-38-101 is
46 renumbered and amended to read:

47 ~~[13-38-101].~~ **13-38a-102. Definitions.**

48 [(+)] As used in this chapter:

49 [(a) "Division" means the Division of Consumer Protection in the Department of
50 Commerce.]

51 [(b)(i)] (1)(a) "Financial transaction card" means any card, code, or other means of
52 access to a person's account issued to a person that allows the person to obtain, purchase, or
53 receive any of the following:

54 [(A)] (i) goods;

55 [(B)] (ii) services;

56 [(C)] (iii) money; or

57 [(D)] (iv) anything else of value.

- 58 ~~[(H)]~~ (b) "Financial transaction card" includes:
- 59 ~~[(A)]~~ (i) a credit card;
- 60 ~~[(B)]~~ (ii) a credit plate;
- 61 ~~[(C)]~~ (iii) a bank services card;
- 62 ~~[(D)]~~ (iv) a banking card;
- 63 ~~[(E)]~~ (v) a check guarantee card;
- 64 ~~[(F)]~~ (vi) a debit card;
- 65 ~~[(G)]~~ (vii) a telephone credit card; and
- 66 ~~[(H)]~~ (viii) a device for access as defined in Section 7-16a-102.

67 ~~[(e)]~~ (2) "Receipt" means any document related to the transaction of business provided
68 to a person that uses a financial transaction card.

69 ~~[(2) A person that accepts a financial transaction card for the transaction of business
70 may not, on a financial transaction card receipt:]~~

71 ~~[(a) print more than the last five digits of the financial transaction card account
72 number; or]~~

73 ~~[(b) print the financial transaction card expiration date.]~~

74 ~~[(3) (a) This section applies only to receipts that are electronically printed.]~~

75 ~~[(b) This section does not apply to transactions in which the initial means of recording
76 the financial transaction card number is by:]~~

77 ~~[(i) handwriting; or]~~

78 ~~[(ii) an imprint or copy of the financial transaction card.]~~

79 (3) (a) "Seller" means a person that accepts payment by a financial transaction card.

80 (b) "Seller" does not include:

81 (i) a government entity; or

82 (ii) a person acting on behalf of a government entity.

83 (4) (a) "Surcharge" means an additional charge added to a transaction paid for by using
84 a credit card, but not added to a transaction paid for by a means other than a credit card.

85 (b) "Surcharge" does not include:

86 (i) an exclusion from a discount that is offered on transactions paid for by means other
87 than a credit card;

88 (ii) a fee charged by a credit card company for use of a credit card; or

89 (iii) a fee authorized under Section 7-16a-202.

90 Section 3. Section **13-38a-201** is enacted to read:

91 **Part 2. Financial Transaction Card Receipts**

92 **13-38a-201. Title.**

93 This part is known as "Financial Transaction Card Receipts."

94 Section 4. Section **13-38a-202** is enacted to read:

95 **13-38a-202. Limitation on information contained in receipts.**

96 (1) A person that accepts a financial transaction card for the transaction of business
97 may not, on a financial transaction card receipt:

98 (a) print more than the last five digits of the financial transaction card account number;

99 or

100 (b) print the financial transaction card expiration date.

101 (2) (a) This section applies only to receipts that are electronically printed.

102 (b) This section does not apply to transactions in which the initial means of recording
103 the financial transaction card number is by:

104 (i) handwriting; or

105 (ii) an imprint or copy of the financial transaction card.

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

108 ~~[13-38-102].~~ **13-38a-203. Private action.**

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

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

112 (a) recover the amount of any actual damages caused by the violation of this chapter;

113 (b) recover court costs and reasonable attorney fees as determined by the court; and

114 (c) seek to enjoin conduct in violation of this chapter.

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

116 **Part 3. Credit Card Surcharges**

117 **13-38a-301. Title.**

118 This part is known as "Credit Card Surcharges."

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

120 **13-38a-302. Credit card surcharges prohibited.**

121 (1) A seller may not impose a surcharge on a transaction for \$10,000 or less that is paid
122 for by using a credit card.

123 (2) This section does not prohibit a seller from offering a discount on a transaction that
124 is paid for with a credit card that:

125 (a) is issued by the seller or an entity that is affiliated with the seller; or

126 (b) bears the seller's service mark or trademark.

127 Section 8. Section **63I-1-213** is amended to read:

128 **63I-1-213. Repeal dates, Title 13.**

129 (1) Subsections 13-38a-102(3) and 13-38a-102(4) are repealed June 30, 2014.

130 (2) Sections 13-38a-301 and 13-38a-302 are repealed June 30, 2014.

131 (3) Title 13, Chapter 16, Motor Fuel Marketing Act, is repealed July 1, 2012.