

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 279 Session of  
2003

INTRODUCED BY LYNCH, BAKER, BARRAR, BASTIAN, BEBKO-JONES,  
BELARDI, BELFANTI, BISHOP, BLAUM, BROWNE, BUXTON, CAPPELLI,  
CASORIO, CAUSER, CAWLEY, CORRIGAN, CRUZ, CURRY, DALEY,  
DeLUCA, DONATUCCI, EACHUS, FAIRCHILD, FORCIER, FRANKEL,  
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LAUGHLIN, LEACH, LEDERER, LEH, MACKERETH, MAHER, MANDERINO,  
MANN, McCALL, McGEEHAN, McILHATTAN, MELIO, METCALFE,  
R. MILLER, MUNDY, NAILOR, NICKOL, PAYNE, PETRARCA, PETRONE,  
PHILLIPS, PICKETT, PISTELLA, READSHAW, REICHLEY, ROBERTS,  
ROEBUCK, ROHRER, ROSS, SAINATO, SATHER, SAYLOR, SCRIMENTI,  
SHANER, STABACK, STERN, R. STEVENSON, SURRA, THOMAS,  
TRAVAGLIO, TURZAI, WALKO, WANSACZ, WASHINGTON, WATSON, WILT,  
WOJNAROSKI AND YOUNGBLOOD, FEBRUARY 12, 2003

REFERRED TO COMMITTEE ON COMMERCE, FEBRUARY 12, 2003

AN ACT

1 Amending the act of May 21, 1992 (P.L.241, No.36), entitled "An  
2 act prohibiting persons who accept credit cards for the  
3 transaction of business from requiring certain additional  
4 information from the credit cardholder; providing for  
5 enforcement of the act; and imposing civil penalties,"  
6 enlarging the scope of the act; and further providing for  
7 requirement of information.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The title and section 2 of the act of May 21,  
11 1992 (P.L.241, No.36), referred to as the Credit Card  
12 Information Act, are amended to read:

AN ACT

14 Prohibiting persons who accept credit cards for the transaction

1 of business or checks for the purchase of goods or services  
2 from requiring certain additional information from the credit  
3 cardholder; providing for enforcement of the act; and  
4 imposing civil penalties.

5 Section 2. Requirement of information prohibited.

6 (a) General rule.--No person who accepts credit cards for  
7 the transaction of business shall require the credit cardholder  
8 to write on the credit card transaction form, nor shall the  
9 person write or cause to be written on the form, any personal  
10 identification information, including, but not limited to, the  
11 credit cardholder's Social Security number, address or telephone  
12 number, that is not required by the credit card issuer to  
13 complete the credit card transaction, provided, however, that  
14 the credit cardholder's address and telephone number may be  
15 required on the form where:

16 (1) the information is necessary for shipping, delivery  
17 or installation of purchased merchandise, warranties or  
18 service maintenance agreements, or for special orders;

19 (2) the person processes credit card transactions by  
20 mailing transaction forms to a designated bankcard center for  
21 settlement; or

22 (3) the information is necessary to comply with Federal  
23 or State law or regulations adopted pursuant thereto.

24 (b) Checks.--No person shall, as a condition of acceptance  
25 of a check for the purchase of goods or services, as a means of  
26 identification or for any other purpose, require that a person  
27 presenting a check produce a credit card number or Social  
28 Security number for recordation. No person shall record a credit  
29 card number in connection with:

30 (1) a sale of goods or services in which a purchaser

1       pays by check; or

2           (2) the acceptance of a check.

3       (c) Guaranteed checks.--A credit card number may be  
4 requested and recorded as a condition for cashing a check where  
5 payment of the check is being guaranteed by the credit card  
6 issuer and all of the following conditions are met:

7           (1) the person requesting the card has agreed with the  
8 issuer to cash checks as a service to the issuer's  
9 cardholders;

10          (2) the issuer has agreed to guarantee cardholder checks  
11 cashed by that person; and

12          (3) the cardholder has given actual, apparent or implied  
13 authority for use of his card number in this manner and for  
14 this purpose.

15       (d) Construction of section.--This section shall not be  
16 construed to prohibit a person from requesting a purchaser to  
17 display a credit card as identification. The only information  
18 concerning a credit card which may be recorded when a credit  
19 card is being used as identification and the credit card issuer  
20 is not guaranteeing payment is the type, the issuer and the  
21 expiration date of the credit card. A credit card number may be  
22 requested and recorded as a condition for cashing a check where  
23 the credit card was issued by the person accepting the check.  
24 This section does not require acceptance of a check whether or  
25 not a credit card is presented.

26       Section 2. This act shall take effect in 60 days.