

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2333 Session of
1990

INTRODUCED BY DeLUCA, TRELLO, KASUNIC, COLAIZZO, PETRONE,
COWELL, BELARDI, COY, MAYERNIK, GAMBLE, KAISER, PRESTON,
GIGLIOTTI, MICHLOVIC, COLE, CALTAGIRONE, MAINE, DALEY,
E. Z. TAYLOR, ITKIN, MARKOSEK, LUCYK, BATTISTO, TRICH,
MRKONIC, KONDRICH, FARMER, BURD, LANGTRY, McVERRY, CARLSON,
BELFANTI, VEON, LINTON, RITTER, KUKOVICH, PESCI, MOEHLMANN,
TIGUE, BLAUM, CAPPABIANCA, SCRIMENTI, G. SNYDER, TANGRETTI
AND McHALE, MARCH 14, 1990

REFERRED TO COMMITTEE ON FINANCE, MARCH 14, 1990

AN ACT

1 Amending the act of July 6, 1984 (P.L.642, No.132), entitled "An
2 act prohibiting persons from refusing to provide property or
3 services to individuals who do not possess credit cards;
4 providing for enforcement of the act; providing remedies; and
5 imposing civil penalties," further providing for credit card
6 numbers as a condition of acceptance of checks.

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

9 Section 1. The act of July 6, 1984 (P.L.642, No.132), known
10 as the Cash Consumer Protection Act, is amended by adding a
11 section to read:

12 Section 3.1. Prohibition against use of credit card numbers as
13 a condition of acceptance of checks.

14 (a) General rule.--No person shall, as a condition of
15 acceptance of a check for the purchase of goods or services, as
16 a means of identification, or for any other purpose, require
17 that a person presenting a check produce a credit card number in

1 connection with:

2 (1) a sale of goods or services in which a purchaser
3 pays by check; or

4 (2) the acceptance of a check.

5 (b) Exceptions.--A credit card number may be requested and
6 recorded as a condition for cashing a check where:

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's
11 checks 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 (c) Identification purposes.--Nothing in this section shall
16 be construed to prohibit a person from requesting a purchaser to
17 display a credit card as identification. The only information
18 allowed to be recorded shall be the type of credit card, the
19 issuer and the expiration date.

20 (d) Check acceptance.--Nothing in this section requires the
21 acceptance of a check whether or not a credit card is presented.

22 Section 2. Sections 5, 8(b) and 9 are amended to read:

23 Section 5. Injunctive relief.

24 Whenever the Attorney General or a district attorney has
25 reason to believe that any person is violating or is about to
26 violate section 3, 3.1 or 4 and that proceedings would be in the
27 public interest, the Attorney General or a district attorney may
28 bring an action in the name of the Commonwealth against the
29 person to restrain by temporary or permanent injunction
30 violations of section 3, 3.1 or 4.

1 Section 8. Civil penalties.

2 * * *

3 (b) Willful violations of act.--In any action brought under
4 section 5, if the court finds that a person is willfully using
5 or has willfully used a method, act or practice declared
6 unlawful by section 3, 3.1 or 4, the Attorney General or the
7 appropriate district attorney, acting in the name of the
8 Commonwealth, may recover, on behalf of the Commonwealth, a
9 civil penalty not exceeding \$200 per violation, which civil
10 penalty shall be in addition to other relief which may be
11 granted under sections 5 and 6.

12 Section 9. Private actions.

13 (a) Amount of damages.--Any person who suffers any
14 ascertainable loss of money or property, as a result of the use
15 or employment by any person of a method, act or practice
16 declared unlawful by section 3, 3.1 or 4 may bring a private
17 action to recover actual damages or \$100, whichever is greater.
18 The court may, in its discretion, award up to three times the
19 actual damages sustained, but not less than \$100, and may
20 provide additional relief as it deems necessary or proper. The
21 court shall award reasonable attorney's fees to a person who
22 prevails in an action brought pursuant to this subsection.

23 (b) Injunction prima facie evidence of violation.--Any
24 permanent injunction, judgment or order of the court made under
25 section 5 shall be prima facie evidence in an action brought
26 under subsection (a) that the defendant used or employed acts or
27 practices declared unlawful by section 3, 3.1 or 4.

28 Section 3. This act shall take effect immediately.