
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 686 Session of
1991

INTRODUCED BY COLAFELLA, D. R. WRIGHT, STEIGHNER, TRELLO,
HALUSKA, PESCI, VAN HORNE, BLAUM, JAROLIN, B. SMITH, COWELL,
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TANGRETTI, BILLOW, PETRARCA, MAYERNIK, LAUGHLIN, CORNELL,
McCALL, JOSEPHS, RICHARDSON, LaGROTTA, CARONE, STEELMAN,
NAHILL, ITKIN, VEON, SERAFINI, TELEK, FLICK AND OLASZ,
MARCH 12, 1991

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 12, 1991

AN ACT

1 Prohibiting persons who accept credit cards for the transaction
2 of business from requiring certain additional information
3 from the credit cardholder; providing for enforcement of the
4 act; and imposing civil penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Credit card." A device or instrument which entitles the
12 holder to obtain money, goods, services or anything of value on
13 credit.

14 "Person." An individual, corporation, trust, partnership,
15 limited partnership, incorporated or unincorporated association

1 or other entity.

2 Section 2. Requirement of information prohibited.

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

12 (1) the information is necessary for shipping, delivery
13 or installation of purchased merchandise, warranties or
14 service maintenance agreements, or for special orders;

15 (2) the person processes credit card transactions by
16 mailing transaction forms to a designated bankcard center for
17 settlement; or

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

20 (b) Checks.--No person shall, as a condition of acceptance
21 of a check for the purchase of goods or services, as a means of
22 identification or for any other purpose, require that a person
23 presenting a check produce a credit card number for recordation.
24 No person shall record a credit card number in connection with:

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

27 (2) the acceptance of a check.

28 (c) Guaranteed checks.--A credit card number may be
29 requested and recorded as a condition for cashing a check where
30 payment of the check is being guaranteed by the credit card

1 issuer and all of the following conditions are met:

2 (1) the person requesting the card has agreed with the
3 issuer to cash checks as a service to the issuer's
4 cardholders;

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

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

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

21 Section 3. Injunctive relief.

22 Whenever the Attorney General or a district attorney has
23 reason to believe that any person is violating or is about to
24 violate section 2 and that proceedings would be in the public
25 interest, the Attorney General or a district attorney may bring
26 an action in the name of the Commonwealth against the person to
27 restrain, by temporary or permanent injunction, violations of
28 section 2.

29 Section 4. Assurances of voluntary compliance.

30 In the administration of this act, the Attorney General may

1 accept an assurance of voluntary compliance with respect to any
2 method, act or practice deemed to be violative of this act from
3 any person who has engaged or was about to engage in the method,
4 act or practice. Any assurance shall be in writing and be filed
5 with the court. The assurance of voluntary compliance shall not
6 be considered an admission of violation for any purpose. Matters
7 thus closed may at any time be reopened by the Attorney General
8 for further proceedings in the public interest, pursuant to
9 section 3.

10 Section 5. Civil penalties.

11 (a) Violation of injunction.--Any person who violates the
12 terms of an injunction issued under section 3 or any of the
13 terms of an assurance of voluntary compliance duly filed in
14 court under section 4 shall forfeit and pay to the Commonwealth
15 a civil penalty of not more than \$250 for the first offense and
16 \$1,000 for the second or any subsequent offense. For the purpose
17 of this section, the court issuing an injunction or in which an
18 assurance of voluntary compliance is filed shall retain
19 jurisdiction and the cause shall be continued, and, in such
20 cases, the Attorney General or the appropriate district
21 attorney, acting in the name of the Commonwealth, may petition
22 for recovery of civil penalties and any other equitable relief
23 deemed needed or proper.

24 (b) Willful violations of act.--In any action brought under
25 section 3, if the court finds that a person is willfully using
26 or has willfully used a method, act or practice declared
27 unlawful by section 2, the Attorney General or the appropriate
28 district attorney, acting in the name of the Commonwealth, may
29 recover, on behalf of the Commonwealth, a civil penalty not
30 exceeding \$200 per violation, which civil penalty shall be in

- 1 addition to other relief which may be granted under this act.
- 2 Section 6. Effective date.
- 3 This act shall take effect in 60 days.