

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 361 Session of
1997

INTRODUCED BY LYNCH, THOMAS, MICHLOVIC, GANNON, E. Z. TAYLOR,
BLAUM, FARGO, SCHULER, FICHTER, SHANER, CURRY, GEIST, WALKO,
MANDERINO, HERSHEY, MUNDY, MAITLAND, ITKIN, RAMOS, MILLER,
ROHRER, COLAFELLA, OLASZ, TRAVAGLIO, EGOLF, YOUNGBLOOD,
LAUGHLIN, JOSEPHS, TRELLO, LUCYK, BENNINGHOFF, C. WILLIAMS,
STEELMAN, PHILLIPS, STERN AND TULLI, FEBRUARY 10, 1997

REFERRED TO COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT,
FEBRUARY 10, 1997

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
15 of business or checks for the purchase of goods or services
16 from requiring certain additional information from the credit
17 cardholder; providing for enforcement of the act; and
18 imposing civil penalties.

1 Section 2. Requirement of information prohibited.

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

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

28 (2) the acceptance of a check.

29 (c) Guaranteed checks.--A credit card number may be
30 requested and recorded as a condition for cashing a check where

1 payment of the check is being guaranteed by the credit card
2 issuer and all of the following conditions are met:

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

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

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

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

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