

products litigation bulletin

Credit Card Receipt Legislation May Expose Retailers to New Penalties

Nearly all states have introduced or enacted legislation that specifies the information that can and cannot be included on credit card receipts. The legislation is driven by concerns about consumer privacy and identity theft. Through a number of state statutes, the policy of limiting the information printed on credit card receipts has also been incorporated into general consumer protection laws. Violations of these credit card statutes may render persons or corporations liable to the cardholder, and may subject them to civil action initiated by the state attorney general—or even to criminal imprisonment. Moreover, legislation in several states is associated with the consumer protection statutes that permit class action suits.

E-retailers and other persons or entities conducting business transactions with consumers in different states should pay special attention to the requirements in each state where transactions are possible. For example, e-retailers and online businesses incorporated in or maintaining a principal place of business in a particular state still should comply with the credit card statutes in other states where consumers purchase their products or services.

A small number of states do not have pending or current legislation prescribing printing procedures for credit card receipts. These include Alabama,

Alaska, Hawaii, Indiana, Montana, New Hampshire, New Mexico, South Carolina, South Dakota, Tennessee, Vermont, West Virginia and Wyoming.

Below is a brief description of the relevant provisions under current state legislation on payment card receipt requirements. Information about pending legislation is also provided.

Existing Credit Card Receipt Statutes

Arizona

Arizona's current statutory credit card receipt requirements are as follows:

Requirements Arizona state law declares that any person who accepts payment by credit card for goods or services may print no more than the last five digits of the credit card account number on a receipt provided to the cardholder. ARIZ. REV. STAT. § 44-1367 (2003). Such person also cannot print the credit card expiration date on the receipt. These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by hand, imprint or copy. The statute is currently effective for any person who accepts payment by credit card. However, any person who accepted credit card payments prior to June 30, 2002 has until June 30, 2004 to comply with the credit card receipt requirements.

Remedies Violations of the credit card transaction receipt requirements are deemed civil unlawful

Violations of the credit card statutes may subject persons or corporations to civil action initiated by the state attorney general—or even to criminal imprisonment.

acts under the state's Consumer Fraud Act. ARIZ. REV. STAT. §§ 44-1521-1534 (2003). A plaintiff may seek recovery of damages that result from the unlawful act. Furthermore, the attorney general may investigate the practice, which may require impounding any related records, and pursue injunctive relief against the violation. The attorney general may also recover, for the use of the consumer protection division, up to \$10,000 for each willful violation of the statute.

Arkansas

On February 28, 2003, the Governor of Arkansas signed new legislation to prevent the unauthorized use of credit cards.

Requirements Effective mid-July, the new law states that no person or entity accepting credit cards for business transactions can print more than the last five digits of the account number, the credit card expiration date, or both, on the card receipt. 2003 Ark. Acts 274. These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by hand, imprint or copy. For those persons or entities formed before mid-July, electronic receipts must comply with the statute as of January 1, 2004. Institutions of higher learning and persons or entities with up to 25 employees or up to \$5 million in annual business revenue are exempt from this law until January 1, 2005.

Remedies As the act has not yet been incorporated into the Arkansas Code, the remedies available to consumers are unstated. However, under the Arkansas Deceptive Trade Practices Act, ARK. REV. STAT. §§ 4-88-101-201, willful violations of trade practice laws may be prosecuted by the attorney general's office for recovery of damages and injunctive relief.

California

The Song-Beverly Credit Card Act was enacted in 1971 to protect consumers and prevent businesses from disclosing personal information on credit

card slips. CAL. CIV. CODE § 1747 (2003). A more recent addition to the California Civil Code regulates the printing of financial information on credit card receipts.

Requirements In 2001, California mandated that no person or entity that accepts credit cards for business transactions shall print more than the last five digits of the account number or the expiration date on credit card receipts. These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by hand, imprint or copy. For those who first used devices for electronically printing credit card receipts before January 1, 2001, the statute will take effect on January 1, 2004. Those who used such devices after January 1, 2001 currently must comply with the statute's requirements.

Remedies Although the provision does not specify particular remedies for violations, California courts have recognized a private cause of action and the possibility of class action certification under the Song-Beverly Credit Card Act. *Linder v. Thrifty Oil*, 2 P.3d 27 (Cal. 2000); *Florez v. Linens N' Things*, 133 Cal. Rptr. 2d 465 (Cal. Ct. App. 2003).

Colorado

Colorado's current credit card receipt requirements are as follows:

Requirements Colorado state law, in an effort to protect consumers from unauthorized use of credit card accounts, declares that no person that accepts payment by credit card for business transactions may print more than the last five digits of the credit card account number on a receipt provided to the cardholder. COLO. REV. STAT. § 6-1-711 (2002). Such person also cannot print the credit card expiration date on the receipt. These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by hand, imprint or copy. The statute is currently effective for any person who accepts payment by credit card. However, any person who electronically printed receipts prior to April 25, 2002 has until

January 1, 2004 to comply with the credit card receipt requirements. Institutions of higher learning and persons with up to 25 employees or up to \$5 million in annual business revenue are exempt from this law until January 1, 2005.

Remedies Violations of the credit card transaction receipt requirement are deemed deceptive trade practices under the Colorado Consumer Protection Act. COLO. REV. STAT. § 6-1-105(1)(x) (2002). Such practices are subject to a civil penalty of not more than \$2,000 for each violation, up to a maximum penalty of \$100,000 for related violations, all payable to the state's general fund. The attorney general investigates merchant practices and enforces the statute. Class actions are also permitted under the consumer act. COLO. REV. STAT. § 6-1-113 (2002).

Connecticut

On June 26, 2003, the Connecticut General Assembly approved new legislation to prevent identity theft.

Requirements Effective on October 1, 2003, the new law states that no person accepting credit cards or debit cards for business transactions can print more than the last five digits of the account number or the card's expiration date on the card receipt. 2003 Conn. Acts 03-156 (Reg. Sess.) (to be codified in CONN. GEN. STAT. § 52-571h). These requirements apply only to electronically printed receipts and not to credit or debit card numbers recorded solely by hand, imprint or copy.

Remedies Any person who willfully violates this provision will pay up to \$100 for the first offense and up to \$500 for the second offense. Subsequent offenses shall incur a fine of up to \$1,000 or six months imprisonment, or both.

Delaware

Introduced on January 24, 2002, legislation pending in the Delaware Senate aims to amend the state code to regulate credit and debit card receipts.

Requirements The senate bill states that a person accepting credit cards or debit cards for goods or services shall not print more than five digits of the account number on the card receipt. S.B. 11, 141st Gen. Assem., Reg. Sess. (De. 2003). These requirements apply only to electronically printed receipts and not to credit or debit card numbers recorded solely by hand, imprint or copy. These requirements, if passed, shall become effective on January 1, 2004 for those who begin accepting payment after that date. However, those in business and accepting credit or debit cards before January 1, 2004 have until January 1, 2005 to comply.

Remedies Those who violate the receipt printing requirements will be subject to an unclassified misdemeanor charge, incurring a punishment of up to 30 days imprisonment and a \$575 fine. The Consumer Protection Unit of the attorney general's office will be authorized to enforce the statute.

Florida

Florida's current statutory credit card receipt requirements are as follows:

Requirements Florida state law requires that a merchant who accepts a payment card for business transactions may not print more than the last five digits of the account number or the card's expiration date on a receipt provided to the cardholder. FLA. STAT. ch. 501.0118 (2002). These requirements apply only to electronically printed receipts and not to payment card numbers recorded solely by hand, imprint or copy. The statute is currently effective for any receipts that are electronically printed by a device first used on or after July 1, 2003. However, receipts printed on a device used prior to July 1, 2003 must comply with the requirements as of July 1, 2005.

Remedies Failure to comply with the receipt requirement is deemed a noncriminal violation, punishable by a \$250 fine for the first offense and \$1,000 for second or subsequent offenses. The attorney general's office is authorized to enforce this section.

Georgia

On May 29, 2003, the Governor of Georgia signed and approved new legislation to further fair business practices.

Requirements The new law states that a merchant who accepts a payment card for business transactions may not print more than the last five digits of the account number or the card's expiration date on a receipt provided to the cardholder. H.B. 213, 147th Gen. Assem., Reg. Sess. (Ga. 2003) (to be codified in GA. CODE ANN. § 10-15-3). These requirements apply only to electronically printed receipts and not to credit or debit card numbers recorded solely by hand, imprint or copy. The statute will be effective on July 1, 2004 for any receipts that are electronically transferred by a payment card processor and printed using a cash register or other machine on or after July 1, 2004. However, receipts printed on a device first used prior to July 1, 2004 do not have to comply with the statute until July 1, 2006.

Remedies Violators will incur a penalty of not more than \$250 for the first offense and \$1,000 for second or subsequent offenses. This law shall be enforced by a governor-appointed administrator in accordance with all authorized investigative powers under the Fair Business Practices Act of 1975. Although case law does not indicate whether class action suits can be brought under the payment card receipt legislation, the Fair Business Practices Act may permit class action suits.

Idaho

The Governor of Idaho approved new legislation on March 27, 2003 to prevent identity theft.

Requirements The new law states that a merchant who accepts a payment card for business transactions may not print more than the last five digits of the account number or the card's expiration date on a receipt provided to the cardholder. IDAHO CODE § 28-51-103 (2003). These requirements apply only to electronically printed receipts and not to payment card numbers recorded solely by

hand, imprint or copy. The statute will be effective on January 1, 2004 for any receipts that are electronically printed by a cash register or other machine on or after July 1, 2003. However, receipts printed on a machine used prior to July 1, 2003 will have until January 1, 2005 to comply with the requirements.

Remedies A merchant who fails to comply with the statute will incur a civil penalty of up to \$250 for the first offense and \$1,000 for the second or subsequent violations. The prosecuting attorney or the cardholder may file an action against the merchant for violations of the receipt requirements.

Illinois

Legislation pending in the Illinois General Assembly seeks to amend the Consumer Fraud and Deceptive Business Practices Act to regulate the printing of credit card receipts.

Requirements The Credit Card and Debit Card Act proposes that a person accepting credit cards for business transactions may not print more than the last five digits of the account number or the expiration date on the card receipt. S.B. 244, 93rd Gen. Assem., Reg. Sess. (Il. 2003). These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by hand, imprint or copy. These requirements, if passed, shall become effective on January 1, 2005 for machines that electronically print receipts on or after that date. However, machines that print receipts before January 1, 2005 have until July 1, 2008 to comply.

Remedies Violations of the Consumer Fraud and Deceptive Business Practices Act, 815 ILL. COMP. STAT. 505/3, may be prosecuted by the attorney general. Class action suits are also permitted under the consumer fraud act.

Iowa

Legislation introduced on February 26, 2003 is now pending in the Iowa legislature to add a new Iowa Code section to protect consumer credit privacy.

Requirements The bill proposes the requirement that a person accepting credit cards or debit cards for the sale of merchandise may not print more than the last five digits of the account number or the expiration date on the card receipt. H.S.B. 207, 80th Gen. Assem., First Sess. (Iowa 2003). These requirements apply only to electronically printed receipts and not to credit or debit card numbers recorded solely by hand, imprint or copy. These requirements, if passed, shall become effective on July 1, 2004 for machines that electronically print receipts on or after that date. However, machines that print receipts before July 1, 2004 will have until July 1, 2005 to comply.

Remedies Violations of the bill would constitute unlawful practices under the Consumer Fraud Act, IOWA CODE § 714.16. The attorney general enforces the act, with the authority to file suits for civil penalties up to \$40,000 per violation.

Kansas

Kansas's current statutory credit card receipt requirements are as follows:

Requirements To protect consumers from unconscionable trade practices, Kansas state law declares that no supplier who accepts payment by credit card or debit card may print more than the last five digits of the account number on a receipt provided to the cardholder. KAN. STAT. ANN. § 50-669b (2002). Such supplier also cannot print the card expiration date on the receipt. These requirements apply only to electronically printed receipts and not to card numbers recorded solely by hand, imprint or copy. The statute is currently effective for any cash register or machine that electronically prints receipts and was first placed into service on or after July 1, 2003. However, any machine that electronically printed receipts prior to July 1, 2003 has until July 1, 2004 to comply with the receipt requirements.

Remedies Violations of the transaction receipt requirement are deemed unconscionable acts under the state Consumer Protection Act. KAN.

STAT. ANN. § 50-627. Such practices are liable to a civil penalty of not more than \$10,000 for each violation, payable to the general fund of the state. The attorney general investigates supplier practices and enforces the statute. Class actions are also permitted under the consumer act. See KAN. STAT. ANN. § 50-634.

Kentucky

Prefiled on May 9, 2003, legislation pending in the Kentucky legislature attempts to enhance consumer protection with amendments to the Credit and Debit Card Crime Act.

Requirements The Kentucky bill resolution would require that no person accepting credit or debit cards for business transactions may print more than the last five digits of the account number or the card expiration date on a receipt given to the purchaser. B.R. 31, 2004 Reg. Sess. (Ky. 2003). These requirements apply only to electronically printed receipts and not to credit or debit card numbers recorded solely by hand, imprint or copy. Furthermore, any person who accepts credit or debit cards shall take reasonable actions to ensure that the business records do not fall into the possession of unauthorized persons. These requirements, if passed, shall become effective on January 1, 2005 for those cash registers that are placed into service on or after that date. For those cash registers or devices placed into service prior to January 1, 2005, compliance will be required by January 1, 2007.

Remedies Certain violations of the Credit and Debit Card Crime Act constitute misdemeanors or felonies. However, the act does not prescribe a penalty specific to the Kentucky bill on electronically printed receipts.

Louisiana

Louisiana's current credit card receipt statute is as follows:

Requirements Louisiana state law, in an effort to

secure consumer credit, declares that no provider of money, goods or services shall print or permit to be printed more than the last five digits of the credit card account number or credit card expiration date on a receipt provided to the cardholder. LA. REV. STAT. ANN. § 3518.3 (2003). These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by handwriting or imprint. The statute is currently effective for any cash register or machine that electronically prints receipts and was first placed into service on or after January 1, 2002. However, the statute is not effective until January 1, 2004 for any machine that electronically printed receipts prior to January 1, 2002.

Remedies Any provider who violates this requirement shall be liable to the cardholder for damages and expenses, including attorneys' fees, incurred if the cardholder's credit card is used without permission.

Maine

Maine's current statutory credit card receipt requirements are as follows:

Requirements Effective January 1, 2004, Maine law states that a person or entity that accepts payment by credit card or debit card for business transactions may not print more than the last five digits of the account number on a receipt provided to the cardholder. ME. REV. STAT. ANN. tit. 10, § 1149 (2003). Such person or entity also cannot print the credit card expiration date on the receipt. These requirements apply only to electronically printed receipts and not to card numbers recorded solely by hand, imprint or copy.

Remedies Persons or entities that violate this law will incur a fine of up to \$250 for the first offense and up to \$1,000 for subsequent violations.

Maryland

Maryland's credit card receipt requirements are as follows:

Requirements Maryland state law requires that a person who accepts a payment number for business transactions may not print more than eight digits of the number on a receipt provided to the holder of the card or payment account. MD. CODE. ANN., Commercial Law § 14-1318 (2002). These requirements apply only to electronically printed receipts and not to payment numbers recorded solely by hand, imprint or copy. The statute is currently effective for receipts electronically printed from machines placed into service on or after October 1, 2002. For receipts printed on machines used prior to October 1, 2002, the requirements do not take effect until January 1, 2006.

Remedies The attorney general may bring a civil action against persons who violate the statute. Violations incur a penalty of not more than \$25 per violation, where a violation is each instance when a payment number is printed not in accordance with the statute.

Massachusetts

Introduced on January 1, 2003, legislation pending in the Massachusetts legislature aims to amend the state code to regulate credit and debit card receipts.

Requirements The house bill states that any person or entity accepting credit cards for business transactions may not print more than four digits of the account number on the card receipt. H.B. 3292, 183rd Gen. Ct., Reg. Sess. (Mass. 2003). These requirements, if passed, shall become effective on January 1, 2004 for receipts that are electronically printed on machines first put to use after that date. However, those receipts printed from machines in use before January 1, 2004 must comply with the law by January 1, 2006.

Remedies Any violation of these requirements will be deemed an unfair and deceptive trade practice under the Massachusetts Consumer Protection Act, MASS. GEN. LAWS ch. 93A, § 2 (2003). Any persons damaged by such violation may bring a class action. The attorney general also may initiate

civil actions against any persons or entities that violate the law. Civil penalties may not exceed \$25 per violation, where each instance where a credit card number is printed in violation of the statute is a separate violation. At least double, but not more than triple, damages can be awarded where the defendant willfully or knowingly violated the chapter or refused to grant relief upon demand and is deemed to have acted in bad faith, with knowledge or reason to know that the act or practice complained of violated the chapter.

Michigan

Legislation pending in the Michigan Senate will reform trade practices concerning consumer privacy.

Requirements Introduced on February 26, 2003, the Senate bill will amend the Consumer Protection Act, MICH. STAT. ANN. § 445.901 (2003). The bill states that issuing or delivering a receipt to a customer that prints the expiration date or more than the last four digits of the account number—in the case of credit or debit card payment—constitutes an unfair, unconscionable or deceptive method, act or practice in the conduct of trade or commerce and is unlawful. S.B. 220, 2003 Leg., 92nd Sess. (Mich. 2003).

Remedies The Michigan Consumer Protection Act gives the attorney general the authority to bring an action for injunctive relief against any violation of the statute. Furthermore, a civil penalty of up to \$25,000 may be assessed against each violation. Class actions are available, but recovery is limited to actual damages.

Minnesota

Introduced on March 20, 2003, legislation pending in the Minnesota house is designed to prevent crime relating to credit card fraud.

Requirements The house bill states that no person accepting credit cards for business transactions may print more than five digits of the account number or the expiration date on the card receipt.

H.B. 3292, 183rd Gen. Ct., Reg. Sess. (Mass. 2003). These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by hand, imprint or copy. These provisions, if passed, shall become effective on January 1, 2004 for receipts that are electronically printed on machines first put to use after that date. Those receipts printed from machines in use before January 1, 2004 shall comply with the law by July 1, 2006.

Remedies The bill does not specify the penalties for violations of the requirement.

Missouri

Missouri's current credit card receipt requirements are as follows:

Requirements Missouri state law, under the Merchandising Practices Act, declares that no person, other than the cardholder, shall disclose more than the last five digits of a credit card or debit card account number on a receipt for merchandise sold. MO. REV. STAT. § 407.433 (2003). These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by hand, or, after January 1, 2005, by imprint. Handwritten or imprinted receipt copies for the merchant do not have to comply with the statute requirements. The statute is currently effective for any cash register or machine that electronically prints receipts and was first placed into service on or after January 1, 2003. Any machine that electronically printed receipts prior to January 1, 2003 has until January 1, 2005 to comply with the receipt requirements.

Remedies Persons who violate this section are guilty of an infraction; second or subsequent violations constitute a Class A misdemeanor.

Nebraska

Nebraska's current statutory credit card receipt requirements are as follows:

Requirements Nebraska law states that a person

who accepts a payment card may print no more than the last five digits of the account number on a receipt provided to the cardholder. NEB. REV. STAT. § 28-633 (2002). These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by hand, imprint or copy. The statute becomes operative on January 1, 2004 for any cash register or machine that electronically prints receipts and was originally placed into service on or after that date. However, any machine that electronically printed receipts prior to January 1, 2004 has until January 1, 2007 to comply with the receipt requirements.

Remedies A person who violates this statute is guilty of a Class III misdemeanor for the first violation and a Class I misdemeanor for subsequent violations.

Nevada

On May 28, 2003, the Governor of Nevada approved new legislation to protect identifying personal information.

Requirements Effective October 1, 2003, the new law states that a person accepting credit cards or debit cards for business transactions shall not print more than the last five digits of the account number or the account expiration date on the card receipt. 2003 Nev. Stat. 257. These requirements apply only to electronically printed receipts and not to account numbers recorded solely by hand, imprint or copy. For cash registers or machines that electronically print receipts put into use before October 1, 2003, the statute shall become operative on January 1, 2008. Otherwise, the requirements shall take effect on October 1, 2003.

Remedies As the act has not yet been incorporated into the Nevada Code, remedies for violations of the new legislation are not stated.

New Jersey

New Jersey's statutory receipt requirements are as follows:

Requirements Effective January 1, 2004, New Jersey law mandates that no retail establishment may print more than the last five digits of the account number on a receipt provided to the cardholder. N.J. STAT. ANN. § 56:11-42 (2003).

Remedies The attorney general is authorized to enforce this statute.

New York

Introduced on February 25, 2003, legislation pending in the New York State legislature ensures that charge, credit and debit card numbers are not printed on receipts.

Requirements The pending legislation has already passed both the assembly and the senate and now awaits approval. The current bill amends the general business law to require that no person or entity accepting credit cards for business transactions may print more than five digits of the account number or the expiration date on the card receipt. A. 5150, 2003 Reg. Sess. (N.Y. 2003). These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by hand, imprint or copy. These provisions, if passed, shall become effective on January 1, 2004 for all cash registers that electronically print receipts that are placed into use after that date. Machines in use before January 1, 2004 shall comply with the law by January 1, 2007.

Remedies A person or entity found to violate this section is first given notice of such a violation. After two weeks, if the violation has not been corrected, the person or entity shall incur a civil penalty of \$500 and will be given one week to comply. If the violation still persists uncorrected, a \$1,000 penalty per week will be incurred until the violation is remedied. Aggregate penalties shall not exceed \$4,500.

North Carolina

On June 18, 2003, the Governor of North Carolina and the North Carolina legislature signed and approved new legislation to protect consumer privacy.

Requirements Effective July 1, 2005, the new law states that no person who accepts credit, charge or debit cards for business transactions may print more than the last five digits of the account number or the card's expiration date on a receipt provided to the cardholder. 2003 N.C. Sess. Laws 206 (to be codified in N.C. GEN. STAT. § 14-113.24). These requirements apply only to electronically printed receipts and not to card numbers recorded solely by hand, imprint or copy.

Remedies Those persons who violate this statute commit an infraction punishable by a penalty that does not exceed \$500 per violation, up to a maximum of \$500 in any calendar month or \$2,000 in any calendar year. A person can avoid a penalty after a citation if he or she comes into compliance with the statute and corrects the violation within 30 days of the citation.

North Dakota

The Governor of North Dakota signed and approved new legislation on March 13, 2003 to restrict the information that a business can disclose.

Requirements The new law states that a person accepting credit cards for business transactions may not print more than the last five digits of the credit card account number or the expiration date on the receipt provided to the customer. N.D. CENT. CODE § 51-07-27. These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by hand, imprint or copy. The statute will be effective on January 1, 2004 for any cash register that electronically prints receipts and is first put into use after December 31, 2003. Cash registers or other machines that are first put into use to electronically print receipts before January 1, 2004 will have until January 1, 2007 to comply with the requirements.

Remedies The statute does not specify the penalties for violations of this section.

Ohio

Ohio's current statutory credit card receipt requirements are as follows:

Requirements Effective July 1, 2004, Ohio law states that no person or limited liability company that accepts credit cards may print more than the last five digits of the account number or the expiration date on a receipt provided to the cardholder. OHIO REV. CODE ANN. § 1349.18 (2002). These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by hand, imprint or copy.

Remedies Violations of this statute constitute unfair or deceptive acts or practices under the Consumer Sales Practices Act, OHIO REV. CODE ANN. § 1345.02 (2002). Individual consumers may recover injunctive relief or damages in cases of violations of the act. The attorney general may pursue injunctive relief and a class action suit on behalf of the consumers. However, consumers who pursue individual actions may not be included in a later class action by the attorney general. See OHIO REV. CODE ANN. § 1345.10 (2002). In state actions, the civil penalty may not exceed \$25,000.

Oklahoma

Oklahoma's credit card receipt requirements are as follows:

Requirements Oklahoma law states that a person who accepts a credit or debit card for a consumer transaction may not print more than the last five digits of the account number or the expiration date on a receipt provided to the cardholder. OKLA. STAT. tit. 15, § 752A (2002). These requirements apply only to electronically printed receipts and not to credit or debit card numbers recorded solely by hand, imprint or copy. The statute becomes operative on January 1, 2004 for any cash register or machine that electronically prints receipts and was first placed into service on or after that date. However, any machine that electronically printed receipts prior to January 1, 2004 has until January 1, 2007 to comply with the receipt requirements.

Remedies Failure to comply with the receipt printing provisions constitutes a violation of the Consumer Protection Act, OKLA. STAT. tit. 15, § 751. Under the consumer act, the attorney general is authorized to bring an action to recover damages on behalf of customers in individual actions only. Criminal penalties may also be possible; any person convicted of violating the act shall be guilty of a misdemeanor for the first offense and will be subject to a fine of up to \$1,000 or one year in jail, or both.

Oregon

On June 11, 2003, the Governor of Oregon signed and approved new legislation to regulate financial card transactions.

Requirements The new law prohibits a person from selling, leasing or renting a payment processing system that provides a customer receipt printing more than the customer's name and the last five digits of the customer's credit card or debit card account number. H.B. 2103, 72nd Leg. Assem. (Or. 2003) (to be codified in OR. REV. STAT. § 646.899). Similarly, a person may not create customer receipts that display more than the customer's name and the last five digits of the account number. If, for record purposes, receipts are printed with more information about the customer, such receipts will be destroyed by the date an image of the receipt has been transferred onto microfilm or microfiche, or 36 months after the transaction has passed, whichever time is sooner. This law applies to credit or debit card transactions occurring on or after July 1, 2005.

Remedies The attorney general or district attorney may pursue civil penalties amounting to a maximum of \$1,000 per violation.

Pennsylvania

Introduced on April 23, 2003, legislation pending in the Pennsylvania General Assembly amends the Credit Card Information Act to regulate the printing of card receipts.

Requirements The Pennsylvania bill would require that no person accepting credit cards for business transactions may print the full account number or the card expiration date on a receipt given to the purchaser. H.B. 1223, 187th Gen. Assem., Reg. Sess. (Pa. 2003).

Remedies The bill does not specify penalties for violations of the credit card receipt requirement.

Rhode Island

Legislation is currently pending in the Rhode Island legislature to regulate the distribution of credit card information.

Requirements Introduced on January 29, 2003, the Rhode Island bill would require that no provider furnishing goods or services upon the presentation of credit card information may produce or permit the printing of more than the last five digits of the account number or the expiration date on the receipt provided to the cardholder. H.B. 5283, 2003 Leg., Gen. Assem. (R.I. 2003). These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by hand, imprint or copy. These requirements, if passed, shall become effective on January 1, 2004 for those cash registers that are placed into service on or after that date. For those cash registers or devices placed into service prior to January 1, 2004, compliance will be required by January 1, 2006.

Remedies Any person that violates this section shall be liable to the cardholder for any damages and expenses, including attorneys' fees.

Texas

Introduced on February 25, 2003, legislation pending in the Texas legislature amends the business and commerce code to improve consumer protection.

Requirements The Texas house bill would require that a person accepting credit or debit cards for business transactions may print receipts to evidence the transaction only if at least four digits of the

cardholder's account number are omitted from the receipt. H.B. 277, 2003 Leg., 78th Sess. (Tex. 2003). These requirements apply only to electronically printed receipts and not to credit or debit card numbers recorded solely by hand, imprint or copy. These requirements, if passed, shall become effective on January 1, 2004.

Remedies The attorney general shall have the authority to enforce this section and to recover a civil penalty of up to \$500 for each calendar month during which a violation occurs. Penalties may not be imposed for more than one violation that occurs in one month.

Utah

Utah's statutory credit card receipt requirements are as follows:

Requirements Utah law states that a person that accepts a financial transaction card for business may not print more than the last five digits of the account number or print the card's expiration date. UTAH CODE ANN. § 13-38-101 (2003). These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by hand, imprint or copy.

Remedies A person may bring an action for violation of this statute to recover damages, court and attorneys' fees, or injunctive relief.

Virginia

Virginia's credit card statute requirements are as follows:

Requirements Virginia law states that no person or entity that accepts credit or debit cards or any other payment devices for business transactions shall print more than the last five digits of the account number or the expiration date on any receipt provided to the cardholder. VA. CODE. ANN. § 11-33.2 (2003). These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by hand, imprint or copy. The statute is currently effective for any cash

register or machine that electronically prints receipts and was first placed into service on or after July 1, 2003. Any machine that electronically printed receipts prior to July 1, 2003 has until July 1, 2007 to comply with the receipt requirements.

Remedies Those who violate this section shall be liable to the cardholder for damages and expenses, including attorneys' fees.

Washington

Washington currently requires the following for its credit card receipts:

Requirements Washington state law states that no person or retailer who accepts credit cards for business transactions shall print more than the last five digits of the account number or print the credit card expiration date on the receipt provided to the cardholder. WASH. REV. CODE § 19.200.010, 63.14.123 (2003). These requirements apply only to electronically printed receipts and not to credit card numbers recorded solely by hand, imprint or copy. The statute is currently effective for any cash register or machine that electronically prints receipts and was first placed into service on or after July 1, 2001. The statute is operative on July 1, 2004 for any machine that electronically printed receipts prior to July 1, 2001.

Remedies Persons who willfully and intentionally violate this section shall be guilty of a misdemeanor and will be fined up to \$1,000 or imprisoned for not more than six months.

Wisconsin

Wisconsin's current statutory credit card nondisclosure requirements are as follows:

Requirements Wisconsin law states that no person who is in the business of selling goods at retail, or selling services, and who accepts credit or debit cards for sales or service purchases, may issue a receipt printing more than five digits of the account number. WIS. STAT. § 134.74 (2002). These requirements apply only to electronically printed

receipts and not to card numbers recorded solely by hand or imprint. The statute becomes effective on August 1, 2005.

Remedies The statute does not specify a remedy for violations of the credit card receipt requirements.

products litigation bulletin

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