1   State of Arkansas

2   84th General Assembly

A Bill

3   Regular Session, 2003   HOUSE BILL   1269

4

5   By: Representatives Creekmore, Key, Jacobs

6   By: Senator Broadway

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9   **For An Act To Be Entitled**

10   AN ACT TO PREVENT THE UNAUTHORIZED USE OF CREDIT

11   CARDS; AND FOR OTHER PURPOSES.

12

13   **Subtitle**

14   AN ACT TO PREVENT THE UNAUTHORIZED USE OF

15   CREDIT CARDS.

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17   BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19   SECTION 1.   (a)   The General Assembly finds, determines, and declares

20   that:

21   (1)   Credit, particularly the use of credit cards, is an

22   important tool for consumers in today's economy;

23   (2)   Unscrupulous persons often fraudulently use the credit card

24   accounts of others by stealing the credit card itself or obtaining the

25   necessary information to fraudulently charge the purchase of goods and

26   services to another person's credit card account; and

27   (3)   Protection from unauthorized use of credit card accounts is

28   necessary.

29   (b)   For the purposes of this act, "credit card" means:

30   (1)   Any instrument or device, whether known as a credit card,

31   charge card, credit plate, courtesy card or identification card or by any

32   other name, that is issued with or without fee by an issuer for the use of

33   the cardholder in obtaining money, goods, services or anything else of value,

34   either on credit or in possession or in consideration of any undertaking or

35   guaranty by the issuer of the payment of a check drawn by the cardholder, on

36   a promise to pay in part or in full therefore at a future time, whether or

1 not all or any part of the indebtedness that is represented by the promise to

2 make deferred payment is secured or unsecured;

3   (2) A debit card, electronic benefit transfer card or other

4 access instrument or device, other than a check that is signed by the holder

5 or other authorized signatory on the deposit account, that draws funds from a

6 deposit account in order to obtain money, goods, services or anything else of

7 value;

8   (3) A stored value card, smart card or other instrument or

9 device that enables a person to obtain goods, services or anything else of

10 value through the use of value stored on the card, instrument or device; and

11   (4) The number that is assigned to the card, instrument or

12 device described in subdivisions (b)(1), (b)(2) or (b)(3) of this section

13 even if the physical card, instrument or device is not used or presented.

14   (c)(1) No person, firm, partnership, association, corporation, limited

15 liability company, or other entity accepting credit cards for the transaction

16 of business shall print more than the last five (5) digits of the credit card

17 account number, the credit card expiration date, or both, on a credit card

18 receipt to the cardholder.

19   (2) This section shall apply only to the receipts that are

20 electronically printed and shall not apply to transactions in which the sole

21 means of recording the credit card number is by handwriting or by an imprint

22 or copy of the credit card.

23   (3)(A) Except as provided in subdivision (c)(3)(C) of this

24 section, this section applies to any person or entity formed on and after the

25 effective date of this act that uses a cash register or any other machine or

26 device that electronically imprints receipts of credit card transactions.

27   (B) Except as provided in subdivision (c)(3)(C) of this

28 section, beginning January 1, 2004, this section also applies to any person

29 or entity formed before the effective date of this act that uses a cash

30 register and any other machine or device that electronically imprints

31 receipts of credit card transactions.

32   (C) Until January 1, 2005, this section shall not apply

33 to:

34   (i) Institutions of higher education; or

35   (ii) Persons or entities employing no more than

36 twenty-five (25) employees or who have generated no more than five million

1 dollars ($5,000,000) annually in revenues from the person's business

2 activities.

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