

By: Fraser, West

S.B. No. 235

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a receipt or other document issued for payment by credit  
3 or debit card; providing a civil penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter D, Chapter 35, Business & Commerce  
6 Code, is amended by adding Section 35.58 to read as follows:

7 Sec. 35.58. BUSINESS RECEIPT CONTAINING CREDIT CARD OR  
8 DEBIT CARD INFORMATION. (a) This section does not apply to a  
9 transaction in which the sole means of recording a person's credit  
10 card or debit card account number on a receipt or other document  
11 evidencing the transaction is by handwriting or by an imprint or  
12 copy of the credit card or debit card.

13 (b) A person that accepts a credit card or debit card for the  
14 transaction of business may not print more than the last four digits  
15 of the credit card or debit card account number or the month and  
16 year of the credit card's or debit card's expiration date on a  
17 receipt or other document that evidences the transaction and that  
18 is provided to a cardholder.

19 (c) A person who provides, leases, or sells a cash register  
20 or other machine used to print receipts or other documents  
21 evidencing credit card or debit card transactions shall provide  
22 notice of the requirements of this section to the recipient,  
23 lessee, or buyer, as applicable, of the machine.

24 (d) A court may not certify an action brought under this

1 section as a class action.

2 (e) A person who violates Subsection (b) is liable to the  
3 state for a civil penalty in an amount not to exceed \$500 for each  
4 calendar month during which a violation occurs. The civil penalty  
5 may not be imposed for more than one violation that occurs in a  
6 month. The attorney general or the prosecuting attorney in the  
7 county in which the violation occurs may bring suit to recover the  
8 civil penalty imposed under this section.

9 (f) The attorney general may bring an action in the name of  
10 the state to restrain or enjoin a person from violating Subsection  
11 (b).

12 SECTION 2. (a) This Act takes effect September 1, 2003.

13 (b) With respect to a cash register or other machine that is  
14 initially installed and in operation after August 31, 2003, this  
15 Act applies only to a receipt or other document evidencing a credit  
16 card or debit card transaction that is electronically printed by  
17 the cash register or other machine after August 31, 2004.

18 (c) With respect to a cash register or other machine that is  
19 in operation before September 1, 2003, this Act applies only to a  
20 sales receipt or other document evidencing a credit card or debit  
21 card transaction that is electronically printed by the cash  
22 register or other machine after December 31, 2005.