

1-1 By: Fraser S.B. No. 235  
1-2 (In the Senate - Filed January 21, 2003; February 5, 2003,  
1-3 read first time and referred to Committee on Business and Commerce;  
1-4 March 3, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 3, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 235 By: Fraser

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to a receipt or other document issued for payment by credit  
1-11 or debit card; providing a civil penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter D, Chapter 35, Business & Commerce  
1-14 Code, is amended by adding Section 35.58 to read as follows:

1-15 Sec. 35.58. BUSINESS RECEIPT CONTAINING CREDIT CARD OR  
1-16 DEBIT CARD INFORMATION. (a) This section does not apply to a  
1-17 transaction in which the sole means of recording a person's credit  
1-18 card or debit card account number on a receipt or other document  
1-19 evidencing the transaction is by handwriting or by an imprint or  
1-20 copy of the credit card or debit card.

1-21 (b) A person that accepts a credit card or debit card for the  
1-22 transaction of business may not print more than the last four digits  
1-23 of the credit card or debit card account number or the month and  
1-24 year of the credit card's or debit card's expiration date on a  
1-25 receipt or other document that evidences the transaction and that  
1-26 is provided to a cardholder.

1-27 (c) A person who provides, leases, or sells a cash register  
1-28 or other machine used to print receipts or other documents  
1-29 evidencing credit card or debit card transactions shall provide  
1-30 notice of the requirements of this section to the recipient,  
1-31 lessee, or buyer, as applicable, of the machine.

1-32 (d) A court may not certify an action brought under this  
1-33 section as a class action.

1-34 (e) A person who violates Subsection (b) is liable to the  
1-35 state for a civil penalty in an amount not to exceed \$500 for each  
1-36 calendar month during which a violation occurs. The civil penalty  
1-37 may not be imposed for more than one violation that occurs in a  
1-38 month. The attorney general or the prosecuting attorney in the  
1-39 county in which the violation occurs may bring suit to recover the  
1-40 civil penalty imposed under this section.

1-41 (f) The attorney general may bring an action in the name of  
1-42 the state to restrain or enjoin a person from violating Subsection  
1-43 (b).

1-44 SECTION 2. (a) This Act takes effect September 1, 2003.

1-45 (b) With respect to a cash register or other machine that is  
1-46 initially installed and in operation after August 31, 2003, this  
1-47 Act applies only to a receipt or other document evidencing a credit  
1-48 card or debit card transaction that is electronically printed by  
1-49 the cash register or other machine after August 31, 2004.

1-50 (c) With respect to a cash register or other machine that is  
1-51 in operation before September 1, 2003, this Act applies only to a  
1-52 sales receipt or other document evidencing a credit card or debit  
1-53 card transaction that is electronically printed by the cash  
1-54 register or other machine after December 31, 2005.

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