



Rep. Ralph C. Capparelli

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09300HB4652ham001

LRB093 20582 WGH 49399 a

1 AMENDMENT TO HOUSE BILL 4652

2 AMENDMENT NO. _____. Amend House Bill 4652 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Electronic Fund Transfer Act is amended by
5 changing Section 50 as follows:

6 (205 ILCS 616/50)

7 Sec. 50. Terminal requirements.

8 (a) To assure maximum safety and security against
9 malfunction, fraud, theft, and other accidents or abuses and to
10 assure that all access devices will have the capability of
11 activating all terminals established in this State, no terminal
12 shall accept an access device that does not conform to
13 specifications that are generally accepted. In the case of a
14 dispute concerning the specifications, the Commissioner, in
15 accordance with the provisions of Section 20 of this Act, shall
16 have the authority to determine the specifications.

17 (b) No terminal that does not accept an access device that
18 conforms with those specifications shall be established or
19 operated.

20 (c) A terminal shall bear a logotype or other
21 identification symbol designed to advise customers which
22 access devices may activate the terminal.

23 (d) When used to perform an interchange transaction, a
24 terminal shall not bear any form of proprietary advertising of

1 products and services not offered at the terminal; provided,
2 however, that a terminal screen may bear proprietary
3 advertising of products or services offered by a financial
4 institution when a person uses an access device issued by that
5 financial institution.

6 (e) No person operating a terminal in this State shall
7 impose any surcharge on a consumer for the usage of that
8 terminal, whether or not the consumer is using an access device
9 issued by that person, unless that surcharge is clearly
10 disclosed to the consumer both (i) by a sign that is clearly
11 visible to the consumer on or at the terminal being used and
12 (ii) electronically on the terminal screen. Following
13 presentation of the electronic disclosure on the terminal
14 screen, the consumer shall be provided an opportunity to cancel
15 that transaction without incurring any surcharge or other
16 obligation. If a surcharge is imposed on a consumer using an
17 access device not issued by the person operating the terminal,
18 that person shall disclose on the sign and on the terminal
19 screen that the surcharge is in addition to any fee that may be
20 assessed by the consumer's own institution. As used in this
21 subsection, "surcharge" means any charge imposed by the person
22 operating the terminal solely for the use of the terminal.

23 (f) A receipt given at a terminal to a person who initiates
24 an electronic fund transfer shall include a number or code that
25 identifies the consumer initiating the transfer, the
26 consumer's account or accounts, or the access device used to
27 initiate the transfer. If the number or code shown on the
28 receipt is a number that identifies the access device, the
29 number must be truncated as printed on the receipt so that
30 fewer than all of the digits of the number or code are printed
31 on the receipt. The Commissioner may, however, modify or waive
32 the requirements imposed by this subsection (f) if the
33 Commissioner determines that the modifications or waivers are
34 necessary to alleviate any undue compliance burden.

1 (g) No terminal shall operate in this State unless, with
2 respect to each interchange transaction initiated at the
3 terminal, the access code entered by the consumer to authorize
4 the transaction is encrypted by the device into which the
5 access code is manually entered by the consumer and is
6 transmitted from the terminal only in encrypted form. Any
7 terminal that cannot meet the foregoing encryption
8 requirements shall immediately cease forwarding information
9 with respect to any interchange transaction or attempted
10 interchange transaction.

11 (h) No person that directly or indirectly provides data
12 processing support to any terminal in this State shall
13 authorize or forward for authorization any interchange
14 transaction unless the access code intended to authorize the
15 interchange transaction is encrypted when received by that
16 person and is encrypted when forwarded to any other person.

17 (i) A terminal operated in this State may be designed and
18 programmed so that when a consumer enters his or her personal
19 identification number in reverse order, the terminal
20 automatically sends an alarm to the local law enforcement
21 agency having jurisdiction over the terminal location. The
22 Commissioner shall promulgate rules necessary for the
23 implementation of this subsection (i). The provisions of this
24 subsection (i) shall not be construed to require an owner or
25 operator of a terminal to design and program the terminal to
26 accept a personal identification number in reverse order.

27 (j) ~~(i)~~ A person operating a terminal in this State may not
28 impose a fee upon a consumer for usage of the terminal if the
29 consumer is using a Link Card or other access device issued by
30 a government agency for use in obtaining financial aid under
31 the Illinois Public Aid Code.

32 For the purpose of this subsection (j) ~~(i)~~, the term
33 "person operating a terminal" means the person who has control
34 over and is responsible for a terminal. The term "person

1 operating a terminal" does not mean the person who owns or
2 controls the property or building in which a terminal is
3 located, unless he or she also has control over and is
4 responsible for the terminal.

5 (Source: P.A. 93-136, eff. 1-1-04; 93-273, eff. 1-1-04; 93-583,
6 eff. 1-1-04; revised 9-11-03.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."