



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/04/04, by Ralph C. Capparelli, Joseph M. Lyons

SYNOPSIS AS INTRODUCED:

205 ILCS 616/50

Amends the Electronic Fund Transfer Act. Provides that no financial institution or other person shall be held liable for programming a terminal or choosing not to program a terminal to function in the manner described in this Section. Effective immediately.

LRB093 20582 SAS 46393 b

1 AN ACT concerning electronic fund transfer terminals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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
25 products and services not offered at the terminal; provided,
26 however, that a terminal screen may bear proprietary
27 advertising of products or services offered by a financial
28 institution when a person uses an access device issued by that
29 financial institution.

30 (e) No person operating a terminal in this State shall
31 impose any surcharge on a consumer for the usage of that
32 terminal, whether or not the consumer is using an access device

1 issued by that person, unless that surcharge is clearly
2 disclosed to the consumer both (i) by a sign that is clearly
3 visible to the consumer on or at the terminal being used and
4 (ii) electronically on the terminal screen. Following
5 presentation of the electronic disclosure on the terminal
6 screen, the consumer shall be provided an opportunity to cancel
7 that transaction without incurring any surcharge or other
8 obligation. If a surcharge is imposed on a consumer using an
9 access device not issued by the person operating the terminal,
10 that person shall disclose on the sign and on the terminal
11 screen that the surcharge is in addition to any fee that may be
12 assessed by the consumer's own institution. As used in this
13 subsection, "surcharge" means any charge imposed by the person
14 operating the terminal solely for the use of the terminal.

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

27 (g) No terminal shall operate in this State unless, with
28 respect to each interchange transaction initiated at the
29 terminal, the access code entered by the consumer to authorize
30 the transaction is encrypted by the device into which the
31 access code is manually entered by the consumer and is
32 transmitted from the terminal only in encrypted form. Any
33 terminal that cannot meet the foregoing encryption
34 requirements shall immediately cease forwarding information
35 with respect to any interchange transaction or attempted
36 interchange transaction.

1 (h) No person that directly or indirectly provides data
2 processing support to any terminal in this State shall
3 authorize or forward for authorization any interchange
4 transaction unless the access code intended to authorize the
5 interchange transaction is encrypted when received by that
6 person and is encrypted when forwarded to any other person.

7 (i) A terminal operated in this State may be designed and
8 programmed so that when a consumer enters his or her personal
9 identification number in reverse order, the terminal
10 automatically sends an alarm to the local law enforcement
11 agency having jurisdiction over the terminal location. The
12 Commissioner shall promulgate rules necessary for the
13 implementation of this subsection. No financial institution or
14 other person shall be held liable for programming a terminal or
15 choosing not to program a terminal to function in the manner
16 described in subsection (i).

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

22 For the purpose of this subsection (j) ~~(i)~~, the term
23 "person operating a terminal" means the person who has control
24 over and is responsible for a terminal. The term "person
25 operating a terminal" does not mean the person who owns or
26 controls the property or building in which a terminal is
27 located, unless he or she also has control over and is
28 responsible for the terminal.

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

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.