



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3855

Introduced 2/26/2009, by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2DDD new

Amends the Consumer Fraud and Deceptive Business Practice Act. Provides that any gas or service station that has an automatic payment device at the pump for dispensing motor fuel, where the consumer's credit or debit card may be entered for payment, shall have each automatic payment device programmed in such a way that the consumer must enter the zip code that matches the billing information for the debit or credit card before the consumer's card can be approved for purchase of the motor fuel. Provides that the automatic payment device shall only allow 2 attempts to enter the correct zip code. Provides that, after the second failed attempt, the gas or service station shall require the consumer to pay by a different method or card. Provides an exemption for the owner or operator of a motor fuel dispensing device that lacks automatic payment capability. Effective January 1, 2010.

LRB096 10359 KTG 20529 b

1 AN ACT concerning business.

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

4 Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by adding Section 2DDD as follows:

6 (815 ILCS 505/2DDD new)

7 Sec. 2DDD. Automatic payment; gas stations.

8 (a) Any gas or service station that has an automatic
9 payment device at the pump for dispensing motor fuel, where the
10 consumer's credit or debit card may be entered for payment,
11 shall have each automatic payment device programmed in such a
12 way that the consumer must enter the zip code that matches the
13 billing information for the debit or credit card before the
14 consumer's card can be approved for purchase of the motor fuel.

15 (b) The automatic payment device shall only allow 2
16 attempts to enter the correct zip code. After the second failed
17 attempt, the gas or service station shall require the consumer
18 to pay by a different method or card.

19 (c) Any gas or service station equipped with a motor fuel
20 dispensing devise that lacks automatic payment capability
21 shall not be required to program the motor fuel dispensing
22 device in such a way that it requests a customer's zip code
23 information for the purchase of motor fuel. Furthermore, no

1 owner or operator of a motor fuel dispensing devise that lacks
2 automatic payment capability shall be in violation of this
3 Section for failure to request a consumer's zip code
4 information for the purchase of motor fuel.

5 (d) A violation of this Section constitutes an unlawful
6 practice within the meaning of this Act.

7 Section 99. Effective date. This Act takes effect January
8 1, 2010.