

# HB0183



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB0183

Introduced 1/18/2013, by Rep. Lou Lang

#### SYNOPSIS AS INTRODUCED:

205 ILCS 616/50

Amends the Electronic Fund Transfer Act. Removes the requirement for a person operating a terminal to disclose surcharges for usage of the terminal by a sign on the terminal. Effective immediately.

LRB098 05760 MGM 35799 b

A BILL FOR

1 AN ACT concerning regulation.

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

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

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

24 (f) A receipt given at a terminal to a person who initiates  
25 an electronic fund transfer shall include a number or code that  
26 identifies the consumer initiating the transfer, the

1 consumer's account or accounts, or the access device used to  
2 initiate the transfer. If the number or code shown on the  
3 receipt is a number that identifies the access device, the  
4 number must be truncated as printed on the receipt so that  
5 fewer than all of the digits of the number or code are printed  
6 on the receipt. The Commissioner may, however, modify or waive  
7 the requirements imposed by this subsection (f) if the  
8 Commissioner determines that the modifications or waivers are  
9 necessary to alleviate any undue compliance burden.

10 (g) No terminal shall operate in this State unless, with  
11 respect to each interchange transaction initiated at the  
12 terminal, the access code entered by the consumer to authorize  
13 the transaction is encrypted by the device into which the  
14 access code is manually entered by the consumer and is  
15 transmitted from the terminal only in encrypted form. Any  
16 terminal that cannot meet the foregoing encryption  
17 requirements shall immediately cease forwarding information  
18 with respect to any interchange transaction or attempted  
19 interchange transaction.

20 (h) No person that directly or indirectly provides data  
21 processing support to any terminal in this State shall  
22 authorize or forward for authorization any interchange  
23 transaction unless the access code intended to authorize the  
24 interchange transaction is encrypted when received by that  
25 person and is encrypted when forwarded to any other person.

26 (i) A terminal operated in this State may be designed and

1 programmed so that when a consumer enters his or her personal  
2 identification number in reverse order, the terminal  
3 automatically sends an alarm to the local law enforcement  
4 agency having jurisdiction over the terminal location. The  
5 Commissioner shall promulgate rules necessary for the  
6 implementation of this subsection (i). The provisions of this  
7 subsection (i) shall not be construed to require an owner or  
8 operator of a terminal to design and program the terminal to  
9 accept a personal identification number in reverse order.

10 (j) A person operating a terminal in this State may not  
11 impose a fee upon a consumer for usage of the terminal if the  
12 consumer is using a Link Card or other access device issued by  
13 a government agency for use in obtaining financial aid under  
14 the Illinois Public Aid Code.

15 For the purpose of this subsection (j), the term "person  
16 operating a terminal" means the person who has control over and  
17 is responsible for a terminal. The term "person operating a  
18 terminal" does not mean the person who owns or controls the  
19 property or building in which a terminal is located, unless he  
20 or she also has control over and is responsible for the  
21 terminal.

22 (Source: P.A. 93-136, eff. 1-1-04; 93-273, eff. 1-1-04; 93-583,  
23 eff. 1-1-04; 93-898, eff. 8-10-04.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.