



Sen. John G. Mulroe

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09800HB2432sam001

LRB098 09008 MGM 46075 a

1 AMENDMENT TO HOUSE BILL 2432

2 AMENDMENT NO. _____. Amend House Bill 2432 on page 1, line
3 5, by replacing "Section 10" with "Sections 10 and 50"; and

4 on page 7, immediately below line 10, by inserting the
5 following:

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.

1 (b) No terminal that does not accept an access device that
2 conforms with those specifications shall be established or
3 operated.

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

7 (d) When used to perform an interchange transaction, a
8 terminal shall not bear any form of proprietary advertising of
9 products and services not offered at the terminal; provided,
10 however, that a terminal screen may bear proprietary
11 advertising of products or services offered by a financial
12 institution when a person uses an access device issued by that
13 financial institution.

14 (e) No person operating a terminal in this State shall
15 impose any surcharge on a consumer for the usage of that
16 terminal, whether or not the consumer is using an access device
17 issued by that person, unless that surcharge is clearly
18 disclosed to the consumer ~~both (i) by a sign that is clearly~~
19 ~~visible to the consumer on or at the terminal being used and~~
20 ~~(ii)~~ electronically on the terminal screen. Following
21 presentation of the electronic disclosure on the terminal
22 screen, the consumer shall be provided an opportunity to cancel
23 that transaction without incurring any surcharge or other
24 obligation. If a surcharge is imposed on a consumer using an
25 access device not issued by the person operating the terminal,
26 that person shall disclose ~~on the sign and~~ on the terminal

1 screen that the surcharge is in addition to any fee that may be
2 assessed by the consumer's own institution. As used in this
3 subsection, "surcharge" means any charge imposed by the person
4 operating the terminal solely for the use of the terminal.

5 (f) A receipt given at a terminal to a person who initiates
6 an electronic fund transfer shall include a number or code that
7 identifies the consumer initiating the transfer, the
8 consumer's account or accounts, or the access device used to
9 initiate the transfer. If the number or code shown on the
10 receipt is a number that identifies the access device, the
11 number must be truncated as printed on the receipt so that
12 fewer than all of the digits of the number or code are printed
13 on the receipt. The Commissioner may, however, modify or waive
14 the requirements imposed by this subsection (f) if the
15 Commissioner determines that the modifications or waivers are
16 necessary to alleviate any undue compliance burden.

17 (g) No terminal shall operate in this State unless, with
18 respect to each interchange transaction initiated at the
19 terminal, the access code entered by the consumer to authorize
20 the transaction is encrypted by the device into which the
21 access code is manually entered by the consumer and is
22 transmitted from the terminal only in encrypted form. Any
23 terminal that cannot meet the foregoing encryption
24 requirements shall immediately cease forwarding information
25 with respect to any interchange transaction or attempted
26 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 (i). The provisions of this
14 subsection (i) shall not be construed to require an owner or
15 operator of a terminal to design and program the terminal to
16 accept a personal identification number in reverse order.

17 (j) 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), the term "person
23 operating a terminal" means the person who has control over and
24 is responsible for a terminal. The term "person operating a
25 terminal" does not mean the person who owns or controls the
26 property or building in which a terminal is located, unless he

1 or she also has control over and is responsible for the
2 terminal.

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