

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 electronically on the terminal  
12 screen. Following presentation of the electronic disclosure on  
13 the terminal screen, the consumer shall be provided an  
14 opportunity to cancel that transaction without incurring any  
15 surcharge or other obligation. If a surcharge is imposed on a  
16 consumer using an access device not issued by the person  
17 operating the terminal, that person shall disclose on the  
18 terminal screen that the surcharge is in addition to any fee  
19 that may be assessed by the consumer's own institution. As used  
20 in this subsection, "surcharge" means any charge imposed by the  
21 person operating the terminal solely for the use of the  
22 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

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

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

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

25 (i) A terminal operated in this State may be designed and  
26 programmed so that when a consumer enters his or her personal

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

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

14 No person in this State may impose a fee upon a consumer  
15 for usage of a terminal if the consumer is using a general use  
16 reloadable card issued by the Illinois State Disbursement Unit  
17 for the purpose of receiving his or her child support payments.

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

25 (Source: P.A. 98-415, eff. 8-16-13.)

26 Section 99. Effective date. This Act takes effect July 1,

1 2015.