- 1 AN ACT concerning electronic fund transfers.
- 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
- 5 by 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
- 10 to assure that all access devices will have the capability of
- 11 activating all terminals established in this State, no
- 12 terminal shall accept an access device that does not conform
- 13 to specifications that are generally accepted. In the case
- of a dispute concerning the specifications, the Commissioner,
- in accordance with the provisions of Section 20 of this Act,
- shall have the authority to determine the specifications.
- 17 (b) No terminal that does not accept an access device
- 18 that conforms with those specifications shall be established
- 19 or 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 products and services not offered at the terminal;
- 26 provided, however, that a terminal screen may bear
- 27 proprietary advertising of products or services offered by a
- 28 financial institution when a person uses an access device
- 29 issued by that 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

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1 terminal, whether or not the consumer is using an access 2 device issued by that person, unless that surcharge is clearly disclosed to the consumer both (i) by a sign that is 3 4 clearly visible to the consumer on or at the terminal being 5 used and (ii) electronically on the terminal screen. б Following presentation of the electronic disclosure on the 7 terminal screen, the consumer shall be provided 8 opportunity to cancel that transaction without incurring any 9 surcharge or other obligation. If a surcharge is imposed on a consumer using an access device not issued by the person 10 11 operating the terminal, that person shall disclose on the sign and on the terminal screen that the surcharge is in 12 addition to any fee that may be assessed by the consumer's 13 own institution. As used in this subsection, "surcharge" 14 15 means any charge imposed by the person operating the terminal

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

solely for the use of the terminal. This subsection does not

apply to a point-of-sale purchase transaction at a terminal.

31 (g) No terminal shall operate in this State unless, with 32 respect to each interchange transaction initiated at the 33 terminal, the access code entered by the consumer to 34 authorize the transaction is encrypted by the device into

- which the access code is manually entered by the consumer and
- 2 is transmitted from the terminal only in encrypted form. Any
- 3 terminal that cannot meet the foregoing encryption
- 4 requirements shall immediately cease forwarding information
- 5 with respect to any interchange transaction or attempted
- 6 interchange transaction.
- 7 (h) No person that directly or indirectly provides data
- 8 processing support to any terminal in this State shall
- 9 authorize or forward for authorization any interchange
- 10 transaction unless the access code intended to authorize the
- 11 interchange transaction is encrypted when received by that
- 12 person and is encrypted when forwarded to any other person.
- (i) A person operating a terminal in this State may not
- 14 <u>impose a fee upon a consumer for usage of the terminal if the</u>
- 15 <u>consumer</u> is using a Link Card or other access device issued
- 16 by a government agency for use in obtaining financial aid
- 17 <u>under the Illinois Public Aid Code.</u>
- 18 (Source: P.A. 89-310, eff. 1-1-96; 90-189, eff. 1-1-98.)