

SHB 1870 - H AMD 147

By Representative Habib

ADOPTED 03/07/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 19.200
4 RCW to read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Credit card" means a card or device existing for the purpose
8 of obtaining money, property, labor, or services on credit.

9 (2) "Debit card" means a card or device used to obtain money,
10 property, labor, or services by a transaction that debits a
11 cardholder's account, rather than extending credit.

12 (3) "Discount" means a reduction made from the price that customers
13 are informed is the regular price. It does not include any means of
14 increasing the price that customers are informed is the regular price.

15 **Sec. 2.** RCW 19.200.010 and 2009 c 382 s 1 are each amended to read
16 as follows:

17 (1) The legislature finds that credit and debit cards are important
18 tools for consumers in today's economy. The legislature also finds
19 that unscrupulous persons often fraudulently use the card accounts of
20 others by stealing the card itself or by obtaining the necessary
21 information to fraudulently charge the purchase of goods and services
22 to another person's account. The legislature intends to provide some
23 protection for consumers from the latter by limiting the information
24 that can appear on a card receipt.

25 (2) No person that accepts credit or debit cards for the
26 transaction of business shall print more than the last five digits of
27 the card account number or print the card expiration date on a credit
28 or debit card receipt. This includes all receipts kept by the person
29 or provided to the cardholder.

1 (3) This section shall apply only to receipts that are
2 electronically printed and shall not apply to transactions in which the
3 sole means of recording the card number is by handwriting or by an
4 imprint or copy of the credit or debit card.

5 ~~((4) The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.~~

7 ~~(a) "Credit card" means a card or device existing for the purpose
8 of obtaining money, property, labor, or services on credit.~~

9 ~~(b) "Debit card" means a card or device used to obtain money,
10 property, labor, or services by a transaction that debits a
11 cardholder's account, rather than extending credit.)~~

12 NEW SECTION. Sec. 3. A new section is added to chapter 19.200 RCW
13 to read as follows:

14 (1)(a) Any person that imposes a surcharge on a cardholder who
15 elects to use a credit card in lieu of payment by cash, check, or
16 similar means must clearly and conspicuously disclose the surcharge.

17 (b) If a surcharge for the use of a credit card is being imposed in
18 a transaction at a physical location, the disclosure required in (a) of
19 this subsection must be conspicuously and continuously posted at the
20 location. The disclosure must be in a size and location that is easily
21 seen and read by a consumer prior to a sale.

22 (c) If a surcharge for the use of a credit card is being imposed in
23 an electronic transaction, the disclosure required in (a) of this
24 subsection must be provided prior to the point where a consumer is
25 going to approve any final transaction.

26 (2)(a) Any person that accepts credit cards for the transaction of
27 business may offer a discount for the purpose of inducing payment by
28 cash, check, or other means not involving the use of a credit card.
29 The discount must be offered to all prospective buyers and the
30 availability of the discount must be clearly and conspicuously
31 disclosed.

32 (b) If a discount for the use of a payment method other than a
33 credit card is allowed in a transaction at a physical location, the
34 disclosure required in (a) of this subsection must be conspicuously and
35 continuously posted at the location. The disclosure must be in a size
36 and location that is easily seen and read by a consumer prior to a
37 sale.

1 (c) If a discount for the use of a payment method other than a
2 credit card is allowed in an electronic transaction, the disclosure
3 required in (a) of this subsection must be provided prior to the point
4 where a consumer is going to approve any final transaction."

5 Correct the title.

EFFECT: The prohibition on surcharges for the use of a credit card is removed. If a surcharge will be imposed, there must be clear and conspicuous disclosure of the surcharge. At a physical location, the disclosure must be posted and must be in a size and location that is easily seen and read by a consumer prior to a sale. In an electronic transaction, the disclosure must be provided prior to the point where a consumer is going to approve any final transaction. Allows for a discount when a payment method other than a credit card is used. The availability of a discount must be disclosed clearly and conspicuously. At a physical location, the disclosure must be posted and must be in a size and location that is easily seen and read by a consumer prior to a sale. In an electronic transaction, the disclosure must be provided prior to the point where a consumer is going to approve any final transaction.

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