

**HOUSE . . . . . No. 259**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to the verification of consumers' identity prior to the issuance of a credit card..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1: Section 15A of chapter 140D of the General Laws, as appearing in the 2004  
2 Official Edition, is hereby amended by adding at the end thereof the following paragraph:—

3           Any card issuer who receives an acceptance from a consumer residing in the  
4 commonwealth of an offer of credit by any application form or pre-approved written solicitation  
5 for an open-end credit plan mailed or distributed to such consumer in accordance with this  
6 section, whether such issuer is located within or without the commonwealth, that lists the address  
7 of the consumer accepting the offer as different from the address to which the offer was sent  
8 shall prior to issuing or directing issuances of the credit card, verify that the consumer accepting  
9 the offer is the same consumer to whom the offer was sent. For the purposes of this section, a  
10 card issuer shall be deemed to have verified that the consumer accepting the offer is the same  
11 consumer to whom the offer was sent if:

12           (1) A consumer responding at a telephone number appearing in a publicly available  
13 directory or database as the telephone number of the consumer to whom the solicitation was

14 mailed identifies himself as the consumer to whom the solicitation was mailed and acknowledges  
15 the consumer's acceptance of the solicitation; or

16 (2) A consumer presents the card issuer, including presentation by facsimile transmission  
17 or mail, the original or a copy of one or more documents, including a driver's license, social  
18 security card, passport, or any other identification document issued by a state or federal  
19 governmental agency, that, on the face of the document or documents, appears to confirm such  
20 consumer's identity as the consumer to whom a solicitation was mailed and the consumer  
21 acknowledges acceptance of the offer in question; or

22 (3) The solicitor verified, by any means adopted in federal regulations, that the consumer  
23 accepting the solicitation is the consumer to whom the solicitation was directed.