

HOUSE No. 1007

The Commonwealth of Massachusetts

PRESENTED BY:

Robert F. Fennell

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to requiring photo identification for credit card purchases.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Robert F. Fennell</i>	<i>10th Essex</i>	<i>1/20/2011</i>

HOUSE No. 1007

By Mr. Fennell of Lynn, a petition (accompanied by bill, House, No. 1007) of Robert F. Fennell relative to requiring photo identification for credit card purchases. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 244 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to requiring photo identification for credit card purchases.

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. Chapter 266 of the General Laws, as appearing in the 2008 Official Edition, is
2 hereby amended by inserting after Section 147 the following section: -

3 Section 148. Any person, firm, partnership, association or corporation which accepts
4 credit cards used for credit card transactions between the cardholder and seller shall require the
5 cardholder to present two forms of identification, one of which shall be the credit card being
6 used and at least one of which shall include a photograph of the person presenting such
7 identification.

8 The presentation of photo identification shall only be used as a visual confirmation of the
9 identity of the person presenting the credit card as the cardholder or as an intended user of the
10 credit

11 card expressly authorized by the cardholder to use the credit card.

12 Any person, firm, partnership, association or corporation which accepts credit cards used
13 for credit card transactions between the cardholder and seller shall be required to post a sign with
14 dimensions no less than twelve inches by eighteen inches informing credit card users that two
15 forms of identification are required for use of any credit card, including one form which shall
16 provide a photograph of the credit card user. All signs shall be prominently displayed in a
17 clearly visible area near the cash register.

18 If a person, firm, partnership, association or corporation fails to ask for the cardholder's
19 photo identification at the time of purchase, and it is later determined that those purchases were
20 made with a stolen credit card, the person, firm, partnership, association or corporation shall be
21 held liable for those purchases.

22 Any person, firm, partnership, association or corporation which owns a business and fails
23 to comply with the requirements of this section shall be assessed a civil penalty not to exceed
24 one hundred dollars for a first violation and two hundred dollars for a second or any subsequent
25 violation. It shall be a defense to the imposition of any such civil penalty if the person, firm,
26 partnership, association or corporation posted a sign as required by this section and such sign
27 was removed or defaced by vandals, provided the person, firm, partnership, association or
28 corporation subsequently complies with the provisions of this section. Further, a person, firm,
29 partnership, association or corporation shall not be found liable for failing to comply with the
30 requirements of this section upon the demonstration, by a preponderance of the evidence, that the
31 person, firm, association, or corporation maintained reasonable procedures to comply with this
32 section, and the violation occurred as the result of a bona fide error by an employee.