

HOUSE No. 244

By Mr. Fennell of Lynn, a petition (accompanied by bill, House, No. 244) of Robert F. Fennell and others relative to requiring photo identification for credit card purchases. Consumer Protection and Professional Licensure.

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 passage of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert F. Fennell	10th Essex
Christine E. Canavan	10th Plymouth
David B. Sullivan	6th Bristol
Thomas M. Stanley	9th Middlesex
Jennifer M. Callahan	18th Worcester
Kathi-Anne Reinstein	16th Suffolk
Michael F. Rush	10th Suffolk
Cory Atkins	14th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 2006 Official Edition, is hereby amended
2 by inserting after Section 147 the following section: -

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

7 The presentation of photo identification shall only be used as a visual confirmation of the identity of the
8 person presenting the credit card as the cardholder or as an intended user of the credit
9 card expressly authorized by the cardholder to use the credit card.

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

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

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