

HOUSE BILL 609  
By Harwell

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18, to enact the "Tennessee Credit and Debit Card Number Identity Theft Prevention Act of 2005" and to provide punishment for violations of such act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following new part 52:

§ 47-18-5201. This part shall be known and may be cited as the "Tennessee Credit and Debit Card Number Identity Theft Prevention Act of 2005".

§ 47-18-5202. As used in this part, unless the context otherwise requires:

(1) "Credit card" means any real or forged instrument, writing or other evidence, whether known as a credit card, credit plate, charge plate or by any other name, which purports to evidence an understanding to pay for property or services delivered or rendered to or upon the order of a designated person or bearer;

(2) "Debit card" means any real or forged instrument, writing or other evidence known by any name issued with or without a fee by an issuer for the use of a depositor in obtaining money, goods, services or anything else of value, payment of which is made against funds previously deposited in an account with the issuer.

§ 47-18-5203.

(a) When the provisions of the "Fair and Accurate Credit Transactions Act of 2003" (Public Law 108-159) require any person that accepts a credit card

or debit card for the transaction of business to print no more than five (5) digits of such card number or the expiration date upon any receipt provided to the cardholder at the point of sale or transaction, such person shall also be required, as to any sale or transaction occurring in this state, to print no more than five (5) digits of such card number or the expiration date upon any merchant copy of the receipt that is signed by the cardholder and retained by the merchant following such sale or transaction.

(b) A violation of this section constitutes a violation of the "Tennessee Consumer Protection Act of 1977".

SECTION 2. Tennessee Code Annotated, Section 47-18-104, is amended by adding the following new appropriately numbered item to subsection (b):

( ) Failing to comply with the "Tennessee Credit and Debit Card Number Identity Theft Prevention Act of 2005", codified in part 52; by printing more than five (5) numbers of a credit or debit card number or the expiration date upon any merchant copy of the receipt that is signed by the cardholder and retained by the merchant following a sale or transaction using such card;

SECTION 3. This act shall take effect July 1, 2005, the public welfare requiring it.