



Sen. Terry Link

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09300SB2553sam001

LRB093 19593 WGH 48579 a

1 AMENDMENT TO SENATE BILL 2553

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2553 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Electronic Fund Transfer Act is amended by  
5 changing Section 50 as follows:

6 (205 ILCS 616/50)

7 Sec. 50. Terminal requirements.

8 (a) To assure maximum safety and security against  
9 malfunction, fraud, theft, and other accidents or abuses and to  
10 assure that all access devices will have the capability of  
11 activating all terminals established in this State, no terminal  
12 shall accept an access device that does not conform to  
13 specifications that are generally accepted. In the case of a  
14 dispute concerning the specifications, the Commissioner, in  
15 accordance with the provisions of Section 20 of this Act, shall  
16 have the authority to determine the specifications.

17 (b) No terminal that does not accept an access device that  
18 conforms with those specifications shall be established or  
19 operated.

20 (c) A terminal shall bear a logotype or other  
21 identification symbol designed to advise customers which  
22 access devices may activate the terminal.

23 (d) When used to perform an interchange transaction, a  
24 terminal shall not bear any form of proprietary advertising of

1 products and services not offered at the terminal; provided,  
2 however, that a terminal screen may bear proprietary  
3 advertising of products or services offered by a financial  
4 institution when a person uses an access device issued by that  
5 financial institution.

6 (e) No person operating a terminal in this State shall  
7 impose any surcharge on a consumer for the usage of that  
8 terminal, whether or not the consumer is using an access device  
9 issued by that person, unless that surcharge is clearly  
10 disclosed to the consumer both (i) by a sign that is clearly  
11 visible to the consumer on or at the terminal being used and  
12 (ii) electronically on the terminal screen. Following  
13 presentation of the electronic disclosure on the terminal  
14 screen, the consumer shall be provided an opportunity to cancel  
15 that transaction without incurring any surcharge or other  
16 obligation. If a surcharge is imposed on a consumer using an  
17 access device not issued by the person operating the terminal,  
18 that person shall disclose on the sign and on the terminal  
19 screen that the surcharge is in addition to any fee that may be  
20 assessed by the consumer's own institution. As used in this  
21 subsection, "surcharge" means any charge imposed by the person  
22 operating the terminal solely for the use of the terminal.

23 (f) A receipt given at a terminal to a person who initiates  
24 an electronic fund transfer shall include a number or code that  
25 identifies the consumer initiating the transfer, the  
26 consumer's account or accounts, or the access device used to  
27 initiate the transfer. If the number or code shown on the  
28 receipt is a number that identifies the access device, the  
29 number must be truncated as printed on the receipt so that  
30 fewer than all of the digits of the number or code are printed  
31 on the receipt. The Commissioner may, however, modify or waive  
32 the requirements imposed by this subsection (f) if the  
33 Commissioner determines that the modifications or waivers are  
34 necessary to alleviate any undue compliance burden.

1 (g) No terminal shall operate in this State unless, with  
2 respect to each interchange transaction initiated at the  
3 terminal, the access code entered by the consumer to authorize  
4 the transaction is encrypted by the device into which the  
5 access code is manually entered by the consumer and is  
6 transmitted from the terminal only in encrypted form. Any  
7 terminal that cannot meet the foregoing encryption  
8 requirements shall immediately cease forwarding information  
9 with respect to any interchange transaction or attempted  
10 interchange transaction.

11 (h) No person that directly or indirectly provides data  
12 processing support to any terminal in this State shall  
13 authorize or forward for authorization any interchange  
14 transaction unless the access code intended to authorize the  
15 interchange transaction is encrypted when received by that  
16 person and is encrypted when forwarded to any other person.

17 (i) A terminal operated in this State may be designed and  
18 programmed so that when a consumer enters his or her personal  
19 identification number in reverse order, the terminal  
20 automatically sends an alarm to the local law enforcement  
21 agency having jurisdiction over the terminal location. The  
22 Commissioner shall promulgate rules necessary for the  
23 implementation of this subsection. No financial institution or  
24 other person shall be held liable for programming a terminal or  
25 choosing not to program a terminal to function in the manner  
26 described in this subsection (i).

27 (j) ~~(i)~~ A person operating a terminal in this State may not  
28 impose a fee upon a consumer for usage of the terminal if the  
29 consumer is using a Link Card or other access device issued by  
30 a government agency for use in obtaining financial aid under  
31 the Illinois Public Aid Code.

32 For the purpose of this subsection (j) ~~(i)~~, the term  
33 "person operating a terminal" means the person who has control  
34 over and is responsible for a terminal. The term "person

1 operating a terminal" does not mean the person who owns or  
2 controls the property or building in which a terminal is  
3 located, unless he or she also has control over and is  
4 responsible for the terminal.

5 (Source: P.A. 93-136, eff. 1-1-04; 93-273, eff. 1-1-04; 93-583,  
6 eff. 1-1-04; revised 9-11-03.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law."