

1 AN ACT concerning electronic fund transfers.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Electronic Fund Transfer Act is amended
5 by 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
10 to assure that all access devices will have the capability of
11 activating all terminals established in this State, no
12 terminal shall accept an access device that does not conform
13 to specifications that are generally accepted. In the case
14 of a dispute concerning the specifications, the Commissioner,
15 in accordance with the provisions of Section 20 of this Act,
16 shall have the authority to determine the specifications.

17 (b) No terminal that does not accept an access device
18 that conforms with those specifications shall be established
19 or 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
25 of products and services not offered at the terminal;
26 provided, however, that a terminal screen may bear
27 proprietary advertising of products or services offered by a
28 financial institution when a person uses an access device
29 issued by that financial institution.

30 (e) No person operating a terminal in this State shall
31 impose any surcharge on a consumer for the usage of that

1 terminal, whether or not the consumer is using an access
2 device issued by that person, unless that surcharge is
3 clearly disclosed to the consumer both (i) by a sign that is
4 clearly visible to the consumer on or at the terminal being
5 used and (ii) electronically on the terminal screen.
6 Following presentation of the electronic disclosure on the
7 terminal screen, the consumer shall be provided an
8 opportunity to cancel that transaction without incurring any
9 surcharge or other obligation. If a surcharge is imposed on
10 a consumer using an access device not issued by the person
11 operating the terminal, that person shall disclose on the
12 sign and on the terminal screen that the surcharge is in
13 addition to any fee that may be assessed by the consumer's
14 own institution. As used in this subsection, "surcharge"
15 means any charge imposed by the person operating the terminal
16 solely for the use of the terminal. This subsection does not
17 apply to a point-of-sale purchase transaction at a terminal.

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

31 (g) No terminal shall operate in this State unless, with
32 respect to each interchange transaction initiated at the
33 terminal, the access code entered by the consumer to
34 authorize the transaction is encrypted by the device into

1 which the access code is manually entered by the consumer and
2 is transmitted from the terminal only in encrypted form. Any
3 terminal that cannot meet the foregoing encryption
4 requirements shall immediately cease forwarding information
5 with respect to any interchange transaction or attempted
6 interchange transaction.

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

13 (i) A person operating a terminal in this State may not
14 impose a fee upon a consumer for usage of the terminal if the
15 consumer is using a Link Card or other access device issued
16 by a government agency for use in obtaining financial aid
17 under the Illinois Public Aid Code.

18 For the purpose of this subsection (i), the term "person
19 operating a terminal" means the person who has control over
20 and is responsible for a terminal. The term "person
21 operating a terminal" does not mean the person who owns or
22 controls the property or building in which a terminal is
23 located, unless he or she also has control over and is
24 responsible for the terminal.

25 (Source: P.A. 89-310, eff. 1-1-96; 90-189, eff. 1-1-98.)