



Sen. Jacqueline Y. Collins

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09500SB1675sam001

LRB095 10970 LCT 32882 a

1 AMENDMENT TO SENATE BILL 1675

2 AMENDMENT NO. _____. Amend Senate Bill 1675 on page 1,
3 immediately below line 3, by inserting the following:

4 "Section 3. The Credit Card Liability Act is amended by
5 changing Section 0.01 and by adding Sections 0.05 and 3 as
6 follows:

7 (815 ILCS 145/0.01) (from Ch. 17, par. 6100)

8 Sec. 0.01. Short title. This Act may be cited as the Credit
9 Card and Debit Card Liability Act.

10 (Source: P.A. 86-1324.)

11 (815 ILCS 145/0.05 new)

12 Sec. 0.05. Definitions. For the purposes of this Act:

13 "Credit card" and "debit card" shall have the meanings
14 ascribed to those terms in the Illinois Credit Card and Debit
15 Card Act.

1 "Breach of the security of system data" and "data
2 collector" shall have the meanings ascribed to those terms in
3 the Personal Information Protection Act.

4 (815 ILCS 145/3 new)

5 Sec. 3. Liability of data collector. Notwithstanding any
6 other provision of law, whenever a credit card or debit card is
7 used to obtain money, goods, services, or anything else of
8 value: (i) without the consent or authorization of the rightful
9 owner of the credit card or debit card; and (ii) as a result of
10 a breach of the security of system data by a data collector or
11 by an employee or agent of a data collector, the data collector
12 shall be liable to any financial institution that incurs costs
13 or damages relating to the unauthorized access to the account
14 or accounts of the rightful owner of the credit card or debit
15 card. The liability of the data collector to the financial
16 institution shall include, but not be limited to, any costs
17 incurred in connection with the cancellation or reissuance of a
18 credit card or debit card; the closing of any deposit,
19 transaction, draft, credit, or other account and any action
20 necessary to stop payment or block transactions with respect to
21 any such account; the opening or reopening of any deposit,
22 transaction, draft, credit, or other account on behalf of the
23 rightful owner of the debit card or credit card; and any refund
24 or credit made to the rightful owner of the credit card or
25 debit card as a result of the unauthorized transactions."