

1 AN ACT concerning liability for debit card use.

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

4 Section 5. The Credit Card Liability Act is amended by
5 changing the title of the Act and Sections 0.01, 1, and 2 as
6 follows:

7 (815 ILCS 145/Act title)

8 An Act defining and limiting the liability of persons in
9 whose names credit cards and debit cards are issued.

10 (815 ILCS 145/0.01) (from Ch. 17, par. 6100)

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

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

14 (815 ILCS 145/1) (from Ch. 17, par. 6101)

15 Sec. 1. Unsolicited cards; liability.

16 (a) No person in whose name a credit card or debit card
17 is issued without his having requested or applied for the
18 card or for the extension of the credit or establishment of a
19 charge account or other account which that card evidences is
20 liable to the issuer of the card for any purchases made or
21 other amounts owing by a use of that card from which he or a
22 member of his family or household derive no benefit unless he
23 has indicated his acceptance of the card by signing or using
24 the card or by permitting or authorizing use of the card by
25 another. A mere failure to destroy or return an unsolicited
26 card is not such an indication. As used in this Act, "credit
27 card" and "debit card" have has the meanings meaning ascribed
28 to those terms ~~it~~ in ~~Section-2-03-of~~ the Illinois Credit Card
29 and Debit Card Act, except that the terms do ~~it--does~~ not

1 include a card issued by any telephone company that is
2 subject to supervision or regulation by the Illinois Commerce
3 Commission or other public authority.

4 (b) When an action is brought by an issuer against the
5 person named on the card, the burden of proving the request,
6 application, authorization, permission, use or benefit as set
7 forth in Section 1 hereof shall be upon plaintiff if put in
8 issue by defendant. In the event of judgment for defendant,
9 the court shall allow defendant a reasonable attorney's fee,
10 to be taxed as costs.

11 (Source: P.A. 78-777.)

12 (815 ILCS 145/2) (from Ch. 17, par. 6102)

13 Sec. 2. Requested or accepted cards; liability.

14 (a) Notwithstanding that a person in whose name a credit
15 card or debit card has been issued has requested or applied
16 for such card or has indicated his acceptance of an
17 unsolicited credit card or debit card, as provided in Section
18 1 hereof, such person shall not be liable to the issuer
19 unless the card issuer has given notice to such person of his
20 potential liability, on the card or within 2 ~~two~~ years
21 preceding such use, and has provided such person with an
22 addressed notification requiring no postage to be paid by
23 such person which may be mailed in the event of the loss,
24 theft, or possible unauthorized use of the credit card or
25 debit card, and such person shall not be liable for any
26 amount in excess of the applicable amount hereinafter set
27 forth, resulting from unauthorized use of that card prior to
28 notification to the card issuer of the loss, theft, or
29 possible unauthorized use of that card:

30 Card without a signature panel.....\$25.00

31 Card with a signature panel.....\$50.00

32 After the holder of the credit card or debit card gives
33 notice to the issuer that a credit card or debit card is lost

1 or stolen he is not liable for any amount resulting from
2 unauthorized use of the card.

3 (b) When an action is brought by an issuer against the
4 person named on a card, issuance of which has been requested,
5 applied for, solicited or accepted and defendant puts in
6 issue any transaction arising from the use of such card, the
7 burden of proving benefit, authorization, use, or permission
8 by defendant as to such transaction shall be upon plaintiff.
9 In the event defendant prevails with respect to any
10 transaction so put in issue, the court may enter as a credit
11 against any judgment for plaintiff, or as a judgment for
12 defendant, a reasonable attorney's fee for services in
13 connection with the transaction in respect of which the
14 defendant prevails.

15 (Source: P.A. 77-1637.)