

Article 19B.

Financial Transaction Card Crime Act.

**§ 14-113.8. Definitions.**

The following words and phrases as used in this Chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

- (1) Acquirer. – "Acquirer" means a business organization, financial institution, or an agent of a business organization or financial institution that authorizes a merchant to accept payment by financial transaction card for money, goods, services or anything else of value.
- (1a) Automated Banking Device. – "Automated banking device" means any machine which when properly activated by a financial transaction card and/or personal identification code may be used for any of the purposes for which a financial transaction card may be used.
- (2) Cardholder. – "Cardholder" means the person or organization named on the face of a financial transaction card to whom or for whose benefit the financial transaction card is issued by an issuer.
- (3) Expired Financial Transaction Card. – "Expired financial transaction card" means a financial transaction card which is no longer valid because the term shown on it has elapsed.
- (4) Financial Transaction Card. – "Financial transaction card" or "FTC" means any instrument or device whether known as a credit card, credit plate, bank services card, banking card, check guarantee card, debit card, or by any other name, issued with or without fee by an issuer for the use of the cardholder:
  - a. In obtaining money, goods, services, or anything else of value on credit; or
  - b. In certifying or guaranteeing to a person or business the availability to the cardholder of funds on deposit that are equal to or greater than the amount necessary to honor a draft or check payable to the order of such person or business; or
  - c. In providing the cardholder access to a demand deposit account or time deposit account for the purpose of:
    1. Making deposits of money or checks therein; or
    2. Withdrawing funds in the form of money, money orders, or traveler's checks therefrom; or
    3. Transferring funds from any demand deposit account or time deposit account to any other demand deposit account or time deposit account; or
    4. Transferring funds from any demand deposit account or time deposit account to any credit card accounts, overdraft privilege accounts, loan accounts, or any other credit accounts in full or partial satisfaction of any outstanding balance owed existing therein; or
    5. For the purchase of goods, services or anything else of value; or
    6. Obtaining information pertaining to any demand deposit account or time deposit account;
  - d. But shall not include a telephone number, credit number, or other credit device which is covered by the provisions of Article 19A of this Chapter.

- (5) Issuer. – "Issuer" means the business organization or financial institution or its duly authorized agent which issues a financial transaction card.
- (6) Personal Identification Code. – "Personal identification code" means a numeric and/or alphabetical code assigned to the cardholder of a financial transaction card by the issuer to permit authorized electronic use of that FTC.
- (7) Presenting. – "Presenting" means, as used herein, those actions taken by a cardholder or any person to introduce a financial transaction card into an automated banking device, including utilization of a personal identification code, or merely displaying or showing a financial transaction card to the issuer, or to any person or organization providing money, goods, services, or anything else of value, or any other entity with intent to defraud.
- (8) Receives. – "Receives" or "receiving" means acquiring possession or control or accepting a financial transaction card as security for a loan.
- (9) Revoked Financial Transaction Card. – "Revoked financial transaction card" means a financial transaction card which is no longer valid because permission to use it has been suspended or terminated by the issuer.
- (10) Scanning Device. – "Scanning device" means a scanner, reader, or any other device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on a financial transaction card. This term does not include a skimming device.
- (11) Skimming Device. – A self-contained device that (i) is designed to read and store in the device's internal memory information encoded on the computer chip, magnetic strip or stripe, or other storage mechanism of a financial transaction card or from another device that directly reads the information from a financial transaction card and (ii) is incapable of processing the financial transaction card information for the purpose of obtaining, purchasing, or receiving goods, services, money, or anything else of value from a merchant. (1967, c. 1244, s. 2; 1971, c. 1213, s. 4; 1979, c. 741, s. 1; 1989, c. 161, s. 1; 2002-175, s. 2; 2021-68, s. 1.)