

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 975

Short Title: Credit Card Transactions.

(Public)

Sponsors: Representatives Anderson; and Justus.

Referred to: Economic Expansion.

April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO PREVENT THE RECORDATION OF PERSONAL IDENTIFICATION
INFORMATION ON CREDIT CARD TRANSACTION FORMS.

The General Assembly of North Carolina enacts:

Section 1. Article 1 of Chapter 75 of the General Statutes is amended by
adding a new section as follows:

"§ 75-36. Recordation of personal information.

(a) Subject to the provisions of subsection (b) of this section, no person, firm, or corporation which accepts credit cards for the transaction of business shall require the credit card holder to write on the credit card transaction form, nor shall it write or cause to be written on such form, any personal identification information, including, but not limited to, the credit card holder's address, telephone number, or drivers license number that is not required by the credit card issuer to complete the credit card transaction.

(b) A person, firm, or corporation which accepts credit cards for the transaction of business may require the credit card holder's address and telephone number on such form where:

- (1) The person, firm, or corporation needs such information for shipping, delivery, or installation of purchased merchandise or for special orders;
- (2) The credit card issuer does not require authorization as to the availability of credit to complete the credit card transaction; or
- (3) The person, firm, or corporation processes credit card transactions by mailing transaction forms to a designated bankcard center for settlement.

1 (c) A person aggrieved by a violation of this section shall be entitled to institute
2 an action to recover his actual damages or one hundred dollars (\$100.00), whichever is
3 greater, and to injunctive relief against any person who has engaged, is engaged, or is
4 about to engage in any act in violation of this section. Such action shall be brought in
5 the general district or superior court, whichever is appropriate, of the county in which
6 the defendant resides or has a place of business. In the event the aggrieved party
7 prevails, he may be awarded a reasonable attorney fee and court costs.

8 (d) Nothing in this section shall create any liability for acts by any employee or
9 agent of a person, where that employee or agent has acted in accordance with the
10 directions of his employer."

11 Sec. 2. This act becomes effective October 1, 1991.