

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

686J0028

HOUSE BILL NO. 1279

Introduced by: Representatives Thompson, Bartling, Begalka, Cutler, Engels, Glenski, and Peterson (Jim) and Senators Kloucek and Nachtigal

1 FOR AN ACT ENTITLED, An Act to limit the information printed on an electronic credit card
2 or debit card receipt and to provide for a civil cause of action for failure to comply with the
3 provisions of this Act.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 37-24 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Terms used in this Act mean:

8 (1) "Credit card," any instrument or device that may be used to obtain money or purchase
9 goods or services on credit;

10 (2) "Debit card," any instrument or device that may be used to obtain money or purchase
11 goods or services by providing the purchaser direct access to the purchaser's account
12 in a bank, savings and loan association, or credit union.

13 Section 2. That chapter 37-24 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 No person, firm, partnership, association, corporation, or limited liability company that



1 accepts credit cards or debit cards for the transaction of business may, at the time of any
2 business transaction, provide to the cardholder a receipt that contains either of the following:

- 3 (1) More than the last five digits of the cardholder's credit or debit card number; or
- 4 (2) The expiration date on the card.

5 Section 3. That chapter 37-24 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 This Act does not apply to transactions in which the only way to record the credit or debit
8 card number is by hand-writing it or by an imprint or copy of the card.

9 Section 4. That chapter 37-24 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 Any cardholder damaged by a violation of any of the provisions of this Act may bring a civil
12 action for the recovery of an amount equal to three times the actual damages suffered due to the
13 violation. In addition, the cardholder may recover the court costs and any reasonable attorney's
14 fees incurred by the cardholder to bring an action under this section.

15 Section 5. This Act is effective on January 1, 2005.