

1 AN ACT to amend the Electronic Fund Transfer Act by
2 changing Section 50.

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

5 Section 5. The Electronic Fund Transfer Act is amended
6 by changing Section 50 as follows:

7 (205 ILCS 616/50)

8 Sec. 50. Terminal requirements.

9 (a) To assure maximum safety and security against
10 malfunction, fraud, theft, and other accidents or abuses and
11 to assure that all access devices will have the capability of
12 activating all terminals established in this State, no
13 terminal shall accept an access device that does not conform
14 to specifications that are generally accepted. In the case
15 of a dispute concerning the specifications, the Commissioner,
16 in accordance with the provisions of Section 20 of this Act,
17 shall have the authority to determine the specifications.

18 (b) No terminal that does not accept an access device
19 that conforms with those specifications shall be established
20 or operated.

21 (c) A terminal shall bear a logotype or other
22 identification symbol designed to advise customers which
23 access devices may activate the terminal.

24 (d) When used to perform an interchange transaction, a
25 terminal shall not bear any form of proprietary advertising
26 of products and services not offered at the terminal;
27 provided, however, that a terminal screen may bear
28 proprietary advertising of products or services offered by a
29 financial institution when a person uses an access device
30 issued by that financial institution.

31 (e) No person operating a terminal in this State shall

1 impose any surcharge on a consumer for the usage of that
2 terminal, whether or not the consumer is using an access
3 device issued by that person, unless that surcharge is
4 clearly disclosed to the consumer both (i) by a sign that is
5 clearly visible to the consumer on or at the terminal being
6 used and (ii) electronically on the terminal screen.
7 Following presentation of the electronic disclosure on the
8 terminal screen, the consumer shall be provided an
9 opportunity to cancel that transaction without incurring any
10 surcharge or other obligation. If a surcharge is imposed on
11 a consumer using an access device not issued by the person
12 operating the terminal, that person shall disclose on the
13 sign and on the terminal screen that the surcharge is in
14 addition to any fee that may be assessed by the consumer's
15 own institution. As used in this subsection, "surcharge"
16 means any charge imposed by the person operating the terminal
17 solely for the use of the terminal. This subsection does not
18 apply to a point-of-sale purchase transaction at a terminal.

19 (f) A receipt given at a terminal to a person who
20 initiates an electronic fund transfer shall include a number
21 or code that identifies the consumer initiating the transfer,
22 the consumer's account or accounts, or the access device used
23 to initiate the transfer. If the number or code shown on the
24 receipt is a number that identifies the access device, the
25 number must be truncated as printed on the receipt so that
26 fewer than all of the digits of the number or code are
27 printed on the receipt. The Commissioner may, however,
28 modify or waive the requirements imposed by this subsection
29 (f) if the Commissioner determines that the modifications or
30 waivers are necessary to alleviate any undue compliance
31 burden.

32 (g) No terminal shall operate in this State unless, with
33 respect to each interchange transaction initiated at the
34 terminal, the access code entered by the consumer to

1 authorize the transaction is encrypted by the device into
2 which the access code is manually entered by the consumer and
3 is transmitted from the terminal only in encrypted form. Any
4 terminal that cannot meet the foregoing encryption
5 requirements shall immediately cease forwarding information
6 with respect to any interchange transaction or attempted
7 interchange transaction.

8 (h) No person that directly or indirectly provides data
9 processing support to any terminal in this State shall
10 authorize or forward for authorization any interchange
11 transaction unless the access code intended to authorize the
12 interchange transaction is encrypted when received by that
13 person and is encrypted when forwarded to any other person.

14 (i) With respect to a transaction conducted at a
15 terminal owned or operated by a financial institution, the
16 financial institution may not assess a surcharge against a
17 consumer if the transaction:

18 (1) does not relate to or affect an account held by
19 the consumer with the financial institution that is the
20 owner or operator of the terminal; and

21 (2) is conducted through a national or regional
22 electronic banking network.

23 (j) No person operating a terminal in this State may
24 impose a fee upon a consumer for usage of the terminal if the
25 consumer is using a Link Card or other access device issued
26 by a government agency for use in obtaining financial aid
27 under the Illinois Public Aid Code.

28 (Source: P.A. 89-310, eff. 1-1-96; 90-189, eff. 1-1-98.)