HOUSE DOCKET, NO. FILED ON: 1/14/2009

**HOUSE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Michael J. Rodrigues**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
 Court assembled:*

 The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to credit card transaction fees on the tax portion of a transaction.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Michael J. Rodrigues | 8th Bristol |

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act relative to credit card transaction fees on the tax portion of a transaction.

 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

 SECTION 1. Chapter 93 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 114, the following:-

SECTION 115. Definitions

“Credit card” (a) Any instrument or device, whether known as a credit card, charge card, credit plate, courtesy card r identification card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, either on credit or in the possession or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder on a promise to pay in part or in full at a future time, whether or not all or any part of the indebtedness represented by this promise to make deferred payment is secured or unsecured; (b) the number assigned to an instrument or device described in subdivision (a) of this paragraph even if the physical instrument or device is not used or presented

“Debit card” (a) Any instrument or device whether known as a debit card, electronic benefit transfer card r any other access instrument or device, other than a check, that is signed by the holder or other authorized signatory on the deposit account that draws monies from a deposit account in order to obtain money, goods, services, or anything else of value; (b) any stored value card, smart card or other instrument or device that enables a person to obtain goods, services, or anything else of value through the use of value stored on the instrument or device; (c) the number assigned to an instrument or device described in subdivision (a) or (b), of this paragraph even if the physical instrument or device is not used or presented.

SECTION 116. Limit on Certain Fees

Discount rates, transaction charges, interchange rates, or any other charges or fees charged to merchants or deducted from credit card or debit card sales for processing credit card or debit card transactions shall not be applied to the tax portion of any credit card or debit card sales.

SECTION 117. Penalties

1. Any person who violates this section will be subject to a civil penalty of $5,000 per violation.
2. Any merchant whose rights under this act have been violated may maintain a civil action for damages or equitable relief as provided for in this section; and
3. The attorney general shall have the power to maintain an action to enforce the penalties provided for in this section.