

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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:

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

3 SECTION 115. Definitions

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

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

21 SECTION 116. Limit on Certain Fees

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

25 SECTION 117. Penalties

26 (1) Any person who violates this section will be subject to a civil penalty of \$5,000 per
27 violation.

28 (a) Any merchant whose rights under this act have been violated may maintain a civil
29 action for damages or equitable relief as provided for in this section; and

30 (b) The attorney general shall have the power to maintain an action to enforce the
31 penalties provided for in this section.