

HOUSE BILL 551

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 45
and Title 47, relative to credit card sales.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 22, Part 1, is amended by adding the following language as a new section:

47-22-105.

(a)

(1) It shall be an offense for any retail clerk to fail to verify the identification of any person who presents a credit or debit card to pay for good or services at the point of sale during a face-to-face transaction. A retail clerk who verifies the name of the cardholder on a separate instrument of identification meets the requirement imposed by this subdivision (a)(1).

(2) The first violation of subdivision (a)(1) is a Class C misdemeanor punishable by fine alone, not to exceed \$50.00.

(3) A second or subsequent violation of subdivision (a)(1) is a Class B misdemeanor.

(b) Any retailer who employs a clerk who violates subsection (a) shall be liable for any damages suffered by the cardholder.

(c) It shall be an absolute bar to criminal or civil liability under this section if the person who presented the card entered a valid personal identification number (PIN) when making the transaction.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.