

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 373

An Act to amend and reenact § 11-33.2 of the Code of Virginia, relating to improper use of payment device numbers; penalty.

[H 2237]

Approved March 27, 2009

Be it enacted by the General Assembly of Virginia:

1. That § 11-33.2 of the Code of Virginia is amended and reenacted as follows:

§ 11-33.2. Improper use of payment device numbers.

A. No person, firm, partnership, association, or corporation that accepts payment devices for any purpose shall print (i) more than the last four digits of the payment device number or (ii) the expiration date on any receipt provided to the holder of the payment device.

B. For transactions in which the sole means of recording the person's payment device number is by handwriting or by an imprint or copy of the payment device, no receipt, other than the one original, shall display the information prohibited in subsection A. Returning all copies, including carbons, that do not comply with this section, to the payment device holder or authorized user or destroying such copies and carbons in front of the payment device holder or authorized user shall constitute compliance with this section.

C. The provisions of this section shall apply to all cash registers or other machines or devices that electronically print receipts for payment device transactions that are placed in service on or after July 1, 2003.

D. For all cash registers or other machines or devices that electronically print receipts for payment device transactions in service prior to July 1, 2003, the provisions of this subsection shall not apply until July 1, 2005.

E. Any violator of this section (i) shall be liable to the payment device holder and the issuer for any damages or expenses, or both, including attorneys' fees, that the payment device holder incurs due to the use of the payment device without the permission of the payment device holder *and (ii) may be compelled, in a proceeding instituted in any appropriate court by the attorney for the Commonwealth, to comply with this section by injunction, mandamus, or other appropriate remedy. Without limiting the remedies authorized by this section in a proceeding instituted by the attorney for the Commonwealth, any person failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section, shall be subject, in the discretion of the court, to a civil penalty not to exceed \$1,000 for each violation.*