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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2097

03/23/2015 Authored by Applebaum, Atkins, Winkler, Mahoney, Melin and others
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act
1.2 relating to consumer protection; prohibiting the collection of personal
1.3 information related to credit card transactions; proposing coding for new law
1.4 in Minnesota Statutes, chapter 325G.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[325G.055] CREDIT CARD TRANSACTIONS.**

1.7 Subdivision 1. **Prohibitions.** (a) Unless otherwise required by a credit card issuer or
1.8 requested for security purposes, a business entity must not, by any means, collect, cause to
1.9 be collected, or require a collection of any personal identification information of a credit
1.10 card holder in a credit card transaction. Personal identification information includes, but
1.11 is not limited to, a credit card holder's address, zip code, telephone number, and e-mail
1.12 address. Personal identification information collected in a credit card transaction must
1.13 not be used by the business entity for promotional or marketing purposes or to solicit the
1.14 business of the credit card holder.

1.15 (b) Nothing in paragraph (a) prohibits a business entity from collecting, causing to
1.16 be collected, or requiring a collection of the personal identification information of a credit
1.17 card holder with respect to business activities unrelated to a credit card transaction, such
1.18 as shipping, delivery, or warranty registration.

1.19 (c) For purposes of this section, a credit card transaction encompasses only those
1.20 activities associated with payment for goods or services by means of a credit card.

1.21 Subd. 2. **Penalties for violation; private right of action.** A business entity that
1.22 violates or participates in the violation of any of the provisions of this section is liable to
1.23 a consumer in a civil action for:

1.24 (1) all money collected or received in connection with the credit card transaction;

- 2.1 (2) actual, incidental, and consequential damages;
- 2.2 (3) statutory damages of up to \$1,000 per violation;
- 2.3 (4) costs, disbursements, and reasonable attorney fees; and
- 2.4 (5) injunctive relief.

2.5 **EFFECTIVE DATE.** This section is effective for credit card transactions occurring
2.6 on August 1, 2015, and thereafter.