

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 47.
TAXATION, LICENSING, PERMITS,
ASSESSMENTS, AND FEES.

CHAPTER 31A.
USE OF CONSUMER IDENTIFICATION
INFORMATION.

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**CHAPTER 31A. USE OF CONSUMER
IDENTIFICATION INFORMATION.**

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CHAPTER 31A. USE OF CONSUMER IDENTIFICATION INFORMATION.

§ 47-3151. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "Drawer" means an individual who makes or signs a check or other draft, but not including a credit or debit card sales draft.
- (2) "Sale" means any:
 - (A) Offer, or attempt to sell merchandise, real property, or intangibles for cash or credit; or
 - (B) Service or offer for service which relates to any person, building, or equipment.
- (3) "Service" means any:
 - (A) Building repair or improvement service;
 - (B) Subprofessional service;
 - (C) Repair of a motor vehicle, home appliance, or other similar commodity; or
 - (D) Repair, installation, or other servicing of any plumbing, heating, electrical, or mechanical device.

(Mar. 11, 1992, D.C. Law 9-69, § 2, 39 DCR 16; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 47-3151.

Legislative History of Laws

Law 9-69, the "Use of Consumer Identification Information Act of 1991," was introduced in Council and assigned Bill No. 9-111, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 5, 1991, and December 3, 1991, respectively. Signed by the Mayor on December 20, 1991, it was assigned Act No. 9-120 and transmitted to both Houses of Congress for its review.

§ 47-3152. USE OF CREDIT CARD INFORMATION IN CONNECTION WITH PAYMENT BY CHECK.

- (a) No person shall imprint the information contained on a drawer's credit card or other form of identification on the face or on the back of a check used as payment for goods or services, nor shall any person record in any manner the number of a drawer's credit card or other form of identification as a condition to accepting a check as payment for the sale of goods or services. Nothing herein shall be deemed to prohibit a person from requesting, but not requiring, that a drawer voluntarily display a credit card or other form of identification as an additional form of identification, provided that the only information recorded concerning the credit card or other form of identification is the type of credit card or other form of identification so displayed and its expiration date where applicable.
- (b) Where a second form of identification is requested, the merchant must inform the purchaser of the range of acceptable second forms of identification and post a listing of the range of acceptable second forms of identification in at least one location clearly visible to the purchaser within the merchant's place of business.

(Mar. 11, 1992, D.C. Law 9-69, § 3, 39 DCR 16; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Apr. 29, 1998, D.C. Law 12-88, § 2, 45 DCR 1230.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 47-3152.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Check Identification Fraud Prevention Temporary Amendment Act of 1996 (D.C. Law 11-231, April 9, 1997, law notification 44 DCR 2589).

For temporary (225 day) amendment of section, see § 2 of Check Identification Fraud Prevention Temporary Amendment Act of 1997 (D.C. Law 12-63, March 20, 1998, law notification 45 DCR 2098).

Emergency Act Amendments

For temporary amendment of section, see § 2 of the Check Identification Fraud Prevention Emergency Amendment Act of 1996 (D.C. Act 11-451, December 10, 1996, 44 DCR 120).

For temporary amendment of section, see § 2 of the Check Identification Fraud Prevention Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12- 14, March 3, 1997, 44 DCR 1749), see § 2 of the Check Identification Fraud Prevention Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12- 186, October 30, 1997, 44 DCR 6964), and see § 2 of the Check Identification Fraud Prevention Congressional Recess Emergency Amendment Act of 1998 (D.C. Act 12-258, February 19, 1998, 45 DCR 1228).

Legislative History of Laws

For legislative history of D.C. Law 9-69, see Historical and Statutory Notes following § 47-3151.

Law 12-88, the "Check Identification Fraud Prevention Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-22, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 4, 1997, and January 6, 1998, respectively. Signed by the Mayor on January 22, 1998, it was assigned Act No. 12-259 and transmitted to both Houses of Congress for its review. D.C. Law 12-88 became effective on April 29, 1998.

§ 47-3153. USE OF CONSUMER IDENTIFICATION INFORMATION IN CONNECTION WITH CREDIT CARD PAYMENTS.

(a) Except as provided in subsection (b) of this section, no person shall, as a condition of accepting a credit card as payment for a sale of goods or services, request or record the address or telephone number of a credit card holder on the credit card transaction form.

(b) A person may record the address or telephone number of a credit card holder if the information is necessary for the shipment, delivery, or installation of consumer goods, or special orders of consumer goods or services.

(Mar. 11, 1992, D.C. Law 9-69, § 4, 39 DCR 16; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 47-3153.

Legislative History of Laws

For legislative history of D.C. Law 9-69, see Historical and Statutory Notes following § 47-3151.

§ 47-3154. PENALTIES.

(a) Any person aggrieved by a violation of § 47-3152 or § 47-3153 shall be entitled to institute an action to recover actual damages or \$500, whichever is greater, and for injunctive relief against any person who has engaged in any act in violation of this chapter.

(b) In the event the aggrieved party prevails, reasonable attorney's fees and court costs may be awarded in addition to any damages awarded.

(c) This section shall not be construed to impose liability on any employee or agent of an employer when that employee or agent has acted in accordance with the direction of his or her employer.

(Mar. 11, 1992, D.C. Law 9-69, § 5, 39 DCR 16; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 47-3154.

Legislative History of Laws

For legislative history of D.C. Law 9-69, see Historical and Statutory Notes following § 47-3151.