

*MINA' TRENTA NA LIHESLATURAN GUÅHAN*  
2009 (FIRST) Regular Session

Bill No. 47 (COR)

Introduced by:

B.J.F. Cruz

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**AN ACT TO ADD § 46.85 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO UPDATING GUAM'S LAWS ON IDENTITY THEFT.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. § 46.85. Identity Theft Protection.** § 46.85 Identity Theft Protection is *added* to Chapter 46 of Title 9, Guam Code annotated to read:

**“§ 46.85. Identity Theft Protection.**

(1) Definitions.

a. “*Cardholder*” means a natural person to whom a credit card is issued for consumer credit purposes, or a natural person who has agreed with the card issuer to pay consumer credit obligations arising from the issuance of a credit card to another natural person.

b. “*Credit card*” means any card, plate, coupon book, or other single credit device existing for the purpose of being used from time to time upon presentation to obtain money, property, labor, or services on credit.

(2) Identity Theft Protection; Credit Card.

a. Unlawful Practice. Except as provided in this section, any person firm, partnership, association, corporation, or limited liability company that accepts credit or debit cards for business transactions shall print no more than the last four digits of any individual’s credit or debit card or its expiration date upon any of the following:

1 i. Any receipt provided to the cardholder.

2 ii. Any receipt retained by the person, firm, partnership,  
3 association, corporation, or limited liability company, which is  
4 printed at the time of the purchase, exchange, refund, or return, and  
5 is signed by the cardholder.

6 iii. Any receipt retained by the person, firm, partnership,  
7 association, corporation, or limited liability company, which is  
8 printed at the time of the purchase, exchange, refund, or return, but  
9 is not signed by the cardholder, because the cardholder used a  
10 personal identification number to complete the transaction.

11 b. Applicability.

12 i. This section shall apply only to receipts that include an  
13 electronically printed credit or debit card account number.

14 ii. This section shall not apply to transactions necessitating an  
15 individual's credit or debit card account number by means of  
16 handwriting, imprint, or copy.

17 iii. This section shall not apply to documents other than  
18 receipts as stipulated in the abovementioned paragraphs of this  
19 section.

20 c. Penalty.

21 i. Any individual found in violation of this section shall be  
22 subject to a civil penalty not to exceed two hundred fifty (\$250) for  
23 the first violation and one thousand (\$1000) for each subsequent  
24 violation, to be assessed and collected in a civil action brought by  
25 the individual paying with a credit card, the Attorney General, or  
26 the United States District Attorney. However, no civil penalty shall  
27 be assessed for a violation of this section if the defendant shows by

1 a preponderance of the evidence that the violation was not  
2 intentional and resulted from a bona fide error made  
3 notwithstanding the defendant's maintenance of procedures  
4 reasonably adopted to avoid that error. When collected, the civil  
5 penalty shall be payable, as appropriate, to the person paying with a  
6 credit card who brought the action, or to the general fund of  
7 whichever governmental entity brought the action to assess the civil  
8 penalty.

9 ii. The Attorney General, or United States District Attorney  
10 may bring an action in the superior court in the name of the people  
11 of the Guam to enjoin violation of this section and, upon notice to  
12 the defendant of not less than five (5) days, to temporarily restrain  
13 and enjoin the violation. If it appears to the satisfaction of the court  
14 that the defendant has, in fact violated this section, the court may  
15 issue an injunction restraining further violations, without requiring  
16 proof that any person has been damaged by the violation. In these  
17 proceedings, if the court finds that the defendant has violated this  
18 section, the court may direct the defendant to pay any costs incurred  
19 by the Attorney General or United States District Attorney in  
20 seeking or obtaining injunctive relief pursuant to this section.

21 iii. Actions for collection of civil penalties under subsection (i)  
22 and for injunctive relief under subsection (ii) may be consolidated.”