

HOUSE BILL No. 5797

August 3, 2016, Introduced by Rep. Glardon and referred to the Committee on Regulatory Reform.

A bill to amend 1964 PA 283, entitled
"Weights and measures act,"
(MCL 290.601 to 290.635) by adding section 28f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 28F. (1) IF A PUMP FOR DISPENSING PETROLEUM MOTOR FUEL
2 FOR SALE AT A ROADSIDE RETAIL LOCATION INCLUDES A SCANNING DEVICE
3 FOR READING A CUSTOMER PAYMENT CARD AS AN INTEGRAL PART OF THE
4 PUMP, THE PUMP SHALL INCLUDE A SECURITY MEASURE TO RESTRICT THE
5 UNAUTHORIZED ACCESS OF CUSTOMER PAYMENT CARD INFORMATION. THE
6 SECURITY MEASURE MUST INCLUDE 1 OR MORE OF THE FOLLOWING:

7 (A) PRESSURE-SENSITIVE SECURITY TAPE THAT IS IMPRINTED WITH A
8 CUSTOMIZED GRAPHIC AND PLACED OVER THE PANEL OPENING LEADING TO THE

1 SCANNING DEVICE SO AS TO RESTRICT UNAUTHORIZED OPENING OF THE
2 PANEL.

3 (B) A DEVICE OR SYSTEM TO RENDER THE PUMP OR THE SCANNING
4 DEVICE INOPERABLE IF THE PANEL IS OPENED WITHOUT PROPER
5 AUTHORIZATION.

6 (C) A MEANS FOR ENCRYPTING THE CUSTOMER PAYMENT CARD
7 INFORMATION IN THE SCANNING DEVICE.

8 (D) ANY OTHER MEASURE APPROVED BY THE DEPARTMENT.

9 (2) IF THE OWNER OR AGENT OF THE OWNER OF A PUMP REQUIRED TO
10 HAVE A SECURITY MEASURE UNDER SUBSECTION (1) RECEIVES A WRITTEN
11 NOTICE OF NONCOMPLIANCE, HE OR SHE SHALL BRING THE PUMP INTO
12 COMPLIANCE. IF THE VIOLATION IS NOT CORRECTED WITHIN 5 DAYS AFTER
13 RECEIPT OF THE NOTICE OF NONCOMPLIANCE, THE DEPARTMENT MAY PROHIBIT
14 THE USE OF THE PUMP UNTIL A PROPERLY FUNCTIONING SECURITY MEASURE
15 IS INSTALLED ON THE DEVICE.

16 (3) AS USED IN THIS SECTION:

17 (A) "CUSTOMER PAYMENT CARD" MEANS A CREDIT OR DEBIT CARD OR
18 OTHER CARD ENCODED TO PROVIDE AN ELECTRONIC MEANS FOR INITIATING A
19 FUND TRANSFER FROM THE CUSTOMER'S DEPOSIT ACCOUNT OR FOR INITIATING
20 ELECTRONIC BILLING.

21 (B) "PUMP" MEANS A DEVICE FOR MEASURING AND DISPENSING MOTOR
22 FUEL USED TO PROPEL VEHICLES ON THE HIGHWAYS OF THIS STATE.

23 (C) "SCANNING DEVICE" MEANS A SCANNER, READER, OR ANY OTHER
24 ELECTRONIC DEVICE THAT IS USED TO ACCESS, READ, SCAN, OBTAIN,
25 MEMORIZE, OR STORE, TEMPORARILY OR PERMANENTLY, INFORMATION ENCODED
26 ON THE MAGNETIC STRIP OR STRIPE OF A CUSTOMER PAYMENT CARD.

27 Enacting section 1. This amendatory act takes effect October

1 1, 2017.