

# HOUSE BILL No. 5804

August 3, 2016, Introduced by Rep. Driskell 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 A PART OF THE PUMP, THE PUMP  
4        SHALL INCLUDE A SECURITY MEASURE TO RESTRICT UNAUTHORIZED ACCESS TO  
5        CUSTOMER PAYMENT CARD INFORMATION. THE SECURITY MEASURE MUST  
6        INCLUDE 1 OR MORE OF THE FOLLOWING:

7        (A) PRESSURE-SENSITIVE SECURITY TAPE PLACED OVER THE PANEL  
8        OPENING THAT LEADS TO THE SCANNING DEVICE SO AS TO RESTRICT

1 UNAUTHORIZED OPENING OF THE PANEL.

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

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

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

8 (2) IF THE DEPARTMENT ISSUES A NOTICE OF NONCOMPLIANCE WITH  
9 SUBSECTION (1) AND THE OWNER OR AGENT OF THE OWNER OF THE PUMP  
10 FAILS TO BRING THE PUMP INTO COMPLIANCE WITHIN 5 DAYS AFTER RECEIPT  
11 OF THE NOTICE, THE DEPARTMENT MAY PROHIBIT THE USE OF THE PUMP  
12 UNTIL A PROPERLY FUNCTIONING SECURITY MEASURE IS INSTALLED ON THE  
13 PUMP.

14 (3) AS USED IN THIS SECTION:

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

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

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

25 Enacting section 1. This amendatory act takes effect 90 days  
26 after the date it is enacted into law.