

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 500 be amended to read as follows:

1           Page 29, between lines 30 and 31, begin a new paragraph and insert:  
2           "SECTION 27. IC 24-4.6-5 IS ADDED TO THE INDIANA CODE  
3           AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2007]:

5           **Chapter 5. Charges and Fees on the Tax Part of Credit Card**  
6           **Transactions**

7           **Sec. 1. As used in this chapter, "credit card" means any**  
8           **instrument or device, whether described as a credit card, credit**  
9           **plate, or credit number or by any other name, that is issued by a**  
10           **person for the use of the cardholder in obtaining money, goods,**  
11           **services, or anything else of value on credit.**

12           **Sec. 2. (a) A discount rate, a transaction charge, an interchange**  
13           **rate, or other charge or fee that:**

14           **(1) is:**

15           **(A) charged to a merchant or other person for the**  
16           **processing of credit card transactions; or**

17           **(B) deducted from a credit card sale for the processing of**  
18           **credit card transactions; and**

19           **(2) is based on a percentage multiplied by the gross dollar**  
20           **amount of the credit card transaction;**

21           **must be based on the dollar amount of the credit card transaction,**  
22           **excluding any taxes on the credit card transaction.**

23           **(b) A discount rate, a transaction charge, an interchange rate,**  
24           **or other charge or fee described in subsection (a) may not be**  
25           **applied to the part of a credit card transaction that is attributable**  
26           **to taxes imposed on the credit card transaction.**

27           **Sec. 3. (a) A person that violates this chapter commits a**  
28           **deceptive act that is actionable by the attorney general.**

29           **(b) In an action under this chapter, the attorney general may**  
30           **obtain any or all of the following:**

31           **(1) An injunction to enjoin future violations of this chapter.**

- 1           **(2) A civil penalty of not more than the following:**
- 2               **(A) Ten thousand dollars (\$10,000) for the first violation of**
- 3               **this chapter.**
- 4               **(B) Twenty-five thousand (\$25,000) dollars for each**
- 5               **violation of this chapter after the first violation.**
- 6           **(3) The attorney general's reasonable costs in:**
- 7               **(A) the investigation of the deceptive act; and**
- 8               **(B) maintaining the action.**
- 9           **(4) Reasonable attorney's fees.**
- 10           **(5) Costs of the action."**
- 11           Renumber all SECTIONS consecutively.  
(Reference is to SB 500 as printed January 30, 2007.)

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Senator KENLEY