

HOUSE No. 255

By Mr. Jones of North Reading, petition of Bradley H. Jones, Jr., and others relative to consumer identity verification prior to the issuance of credit cards. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

PETITION OF:

Bradley H. Jones, Jr.	Paul K. Frost
Richard R. Tisei	Bradford Hill
Paul J. P. Loscocco	Elizabeth A. Poirier
Bruce E. Tarr	Robert S. Hargraves
Mary S. Rogeness	Karyn E. Polito
George N. Peterson, Jr.	Richard J. Ross
John A. Lepper	Susan Williams Gifford
Viriato Manuel deMacedo	Todd M. Smola
Lewis G. Evangelidis	Donald F. Humason, Jr.

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE VERIFICATION OF CONSUMERS' IDENTITY PRIOR TO THE ISSUANCE OF A CREDIT CARD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 15A of chapter 140D of the General Laws, as appearing
2 in the 2004 Official Edition, is hereby amended by adding at the end
3 thereof the following paragraph:—
4 Any card issuer who receives an acceptance from a consumer
5 residing in the commonwealth of an offer of credit by any applica-
6 tion form or pre-approved written solicitation for an open-end credit
7 plan mailed or distributed to such consumer in accordance with this
8 section, whether such issuer is located within or without the com-
9 monwealth, that lists the address of the consumer accepting the offer
10 as different from the address to which the offer was sent shall prior
11 to issuing or directing issuances of the credit card, verify that the
12 consumer accepting the offer is the same consumer to whom the
13 offer was sent. For the purposes of this section, a card issuer shall be
14 deemed to have verified that the consumer accepting the offer is the
15 same consumer to whom the offer was sent if:

16 (1) A consumer responding at a telephone number appearing in a
17 publicly available directory or database as the telephone number of
18 the consumer to whom the solicitation was mailed identifies himself
19 as the consumer to whom the solicitation was mailed and acknowl-
20 edges the consumer's acceptance of the solicitation; or

21 (2) A consumer presents the card issuer, including presentation by
22 facsimile transmission or mail, the original or a copy of one or more
23 documents, including a driver's license, social security card, pass-
24 port, or any other identification document issued by a state or federal
25 governmental agency, that, on the face of the document or docu-
26 ments, appears to confirm such consumer's identity as the consumer
27 to whom a solicitation was mailed and the consumer acknowledges
28 acceptance of the offer in question; or

29 (3) The solicitor verified, by any means adopted in federal regula-
30 tions, that the consumer accepting the solicitation is the consumer to
31 whom the solicitation was directed.