

# State of Wisconsin



2017 Senate Bill 133

Date of enactment: **August 2, 2017**

Date of publication\*: **August 3, 2017**

## 2017 WISCONSIN ACT 54

AN ACT *to create* 895.501 and 943.202 of the statutes; **relating to:** possession of or use of a credit card scanner, providing civil immunity for sellers or distributors of fuel for scanners installed on pumps, and providing criminal penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 895.501 of the statutes is created to read:

**895.501 Civil liability exemption; credit card reencoders and scanning devices.** (1) In this section:

- (a) "Automated teller machine" has the meaning given in s. 134.85 (1) (a).
- (b) "Credit card" has the meaning given in s. 943.202 (1) (b).
- (c) "Reencoder" has the meaning given in s. 943.202 (1) (c).
- (d) "Scanning device" has the meaning given in s. 943.202 (1) (d).

(2) Any person who sells or distributes motor vehicle fuel and who dispenses that fuel from a pump capable of reading a credit card and any person who owns or is responsible for an automated teller machine is immune from civil liability for the unauthorized access, storage, or use of credit card information by another person by means of a credit card reencoder or scanning device that has been installed on his or her machine.

**SECTION 2.** 943.202 of the statutes is created to read:

**943.202 Unauthorized use or possession of a credit card scanner.** (1) In this section:

- (a) "Access" means access, read, scan, intercept, obtain, memorize, or temporarily or permanently store.

(b) "Credit card" means a credit card, charge card, debit card, or other card that allows an authorized user to obtain, purchase, or receive credit, money, goods, services, or any other thing of value.

(c) "Reencoder" means an electronic device that places encoded information from a computer chip or magnetic strip or stripe of a credit card onto the computer chip or magnetic strip or stripe of a credit card or any electronic medium that allows a transaction to occur.

(d) "Scanning device" means a scanner, reader, or any other electronic device that can access information encoded on a computer chip or magnetic strip or stripe of a credit card.

(2) (a) Whoever possesses a reencoder or a scanning device, with the intent to violate s. 943.201 (2) or 943.203 (2) or to access information encoded on a credit card without the permission of an authorized user of the credit card, is guilty of a Class I felony.

(b) Whoever does any of the following is guilty of a Class H felony:

1. Possesses a reencoder or a scanning device with the intent to transfer it to another person if the person knows or should know the transferee will use the reencoder or scanning device to violate s. 943.201 (2) or 943.203 (2) or to access information encoded on a credit card without the permission of an authorized user of the credit card.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

2. Uses or attempts to use a reencoder or a scanning device to violate s. 943.201 (2) or 943.203 (2) or to access information encoded on a credit card without the permission of an authorized user of the credit card.

(c) Whoever uses a reencoder or scanning device to violate s. 943.201 (2) or 943.203 (2) or to access informa-

tion encoded on a credit card without the permission of an authorized user of the credit card is guilty of a Class G felony if the person obtains, purchases, or receives credit, money, goods, services, or any other thing of value from the use.

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