

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1801

By: Barrington

AS INTRODUCED

An Act relating to crimes and punishments; criminalizing selling or making available list of credit card subscribers; providing certain exceptions; defining certain terms; construing certain provisions for certain use; stating penalty; criminalizing possession of certain equipment for certain intent; stating penalty; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1533.3 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It is unlawful for any person, business, corporation, partnership, or other agency to make available, lend, donate, or sell any list or portion of a list of any credit card subscribers and their addresses and account numbers to any third party without the express written permission of the issuer and the subscribers; except that a credit card issuer may make available a list of its cardholders, including names, addresses, and account numbers, without the permission of the subscribers to a third party pursuant to a contract; provided, such contract contains language requiring the third party to bind through contract each of its subcontractors by including provisions prohibiting the divulging of any part of the list for any purpose by the subcontractors except to fulfill and service orders pursuant to the contract between the credit card issuer and the authorized third party. However, notwithstanding any contrary provision of this section, a "consumer reporting agency",

as that term is defined by the Fair Credit Reporting Act, Pub. L. No. 91-508, may provide lists of credit account names, addresses, and account numbers to third parties pursuant to the provision of that act. Nothing herein shall make unlawful or otherwise prohibit the transmittal of any such information to or from a "consumer reporting agency", as that term is defined in the Fair Credit Reporting Act, or a "debt collector" as that term is defined in the Fair Debt Collection Practices Act, Pub. L. No, 95-109.

Notwithstanding the provisions of this section:

1. A corporation may make available, lend, donate, or sell any list or portion of a list of any credit card subscribers and their addresses and account numbers to a subsidiary or the parent corporation of such corporation or to another subsidiary of the common parent corporation; and

2. Any business entity may lawfully obtain the names, addresses, and account numbers of its own customers. Such information may only be maintained to serve the needs of its customers for its own promotional or marketing purposes.

B. Any person convicted of violating any provision of this section shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than ten (10) years, or by a fine not exceeding Ten thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1533.4 of Title 21, unless there is created a duplication in numbering, reads as follows:

Any person who receives, possesses, transfers, buys, sells, controls, or has custody of any credit-card-making equipment with intent that such equipment be used in the production of counterfeit credit cards or to commit, or attempt to commit, identity theft shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a

term not more than ten (10) years, or by a fine not exceeding Ten thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

SECTION 3. This act shall become effective July 1, 2006.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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