

110TH CONGRESS
2D SESSION

H. R. 6620

To amend the Truth in Lending Act to limit the amount of the interchange fee imposed on the sale of motor vehicle fuel, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2008

Mr. LYNCH introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Truth in Lending Act to limit the amount of the interchange fee imposed on the sale of motor vehicle fuel, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gas Pump Fair Pay-
5 ment Act of 2008”.

6 **SEC. 2. LIMIT IMPOSED.**

7 (a) IN GENERAL.—Chapter 2 of the Truth in Lend-
8 ing Act (15 U.S.C. 1631 et seq.) is amended by inserting
9 after section 127A the following new section:

1 **“§ 127B. Limit on certain interchange fees.**

2 “(a) DEFINITIONS.—For purposes of this section, the
3 following definitions shall apply:

4 “(1) CHARGE CARD.—The term charge card
5 has the same meaning as in section 127(c)(4)(E).

6 “(2) DEBIT CARD.—The term ‘debit card’
7 means any card or other device issued by a financial
8 institution (as defined in section 903(8)) to a con-
9 sumer for use in initiating electronic fund transfers
10 (as defined in section 903(6)) from the account of
11 the consumer at such financial institution for the
12 purpose of transferring money between accounts or
13 obtaining money, property, labor, or services.

14 “(3) ELECTRONIC PAYMENT SYSTEM NET-
15 WORK.—The term ‘electronic payment system net-
16 work’ means a network that provides, through li-
17 censed members, processors, or agents—

18 “(A) for the issuance of payment cards (by
19 credit card issuers in the case of a credit card,
20 charge card issuers in the case of a charge
21 card, or financial institutions (as defined in sec-
22 tion 903(8)) in the case of debit cards) bearing
23 any logo of the network;

24 “(B) the proprietary services and infra-
25 structure that route information and data to fa-
26 cilitate transaction authorization, clearance, and

1 settlement that merchants must access in order
2 to accept payment cards bearing any logo of the
3 network as payment for goods and services; and

4 “(C) for the screening and acceptance of
5 merchants into the network in order to allow
6 such merchants to accept payment cards bear-
7 ing any logo of the network as payment for
8 goods and services.

9 “(4) LICENSED MEMBER.—The term ‘licensed
10 member’, in connection with any electronic payment
11 system network, includes—

12 “(A) any creditor or charge card issuer
13 that is authorized to issue credit cards or
14 charge cards bearing any logo of the network;

15 “(B) any financial institution (as defined
16 in section 903(8)) that is authorized to issue
17 debit cards to consumers who maintain ac-
18 counts at such institution; and

19 “(C) any person, including any financial
20 institution, on occasion referred to as an
21 ‘acquirer’ that is authorized—

22 “(i) to screen and accept merchants
23 into any program under which any pay-
24 ment card bearing any logo of such net-

1 work may be accepted by the merchant for
2 payment for goods or services;

3 “(ii) to process transactions on behalf
4 of any such merchant for payment; and

5 “(iii) to complete financial settlement
6 of any such transaction on behalf of such
7 merchant.

8 “(5) MERCHANT.—The term ‘merchant’ means
9 any person in the business of selling or providing
10 any good or service for consideration.

11 “(6) PAYMENT CARD.—The term ‘payment
12 card’ means a credit card , a charge card, or a debit
13 card.

14 “(b) EXCESS CHARGES PROHIBITED IN SALES OF
15 MOTOR VEHICLE FUEL.—An electronic payment system
16 network may not, directly or through any agent, processor,
17 or licensed member of the network, require or permit any
18 merchant to pay any interchange, processing, or other fee
19 in connection with any payment card transaction involving
20 the purchase by a consumer of any motor vehicle fuel in
21 any amount in excess of the amount that is equal to 1
22 percent of the cost of each gallon of such fuel.

23 “(c) ENFORCEMENT.—Subsections (a), (b), and (h)
24 of section 130 shall be applied for purposes of this section
25 by substituting the term ‘an electronic payment system

1 network, or any agent, processor, or licensed member of
2 any such network’ for ‘creditor’ each place such term ap-
3 pears in such subsections.

4 “(d) SUNSET.—This section shall not apply to the
5 sale of any motor vehicle fuel after the end of the 6-month
6 period beginning on the date of the enactment of the Gas
7 Pump Fair Payment Act of 2008.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 for chapter 2 of the Truth in Lending Act is amended
10 by inserting after the item relating to section 127A the
11 following new item:

“127B. Limit on certain interchange fees.”.

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