

2021 Regular Session

SENATE BILL NO. 17

BY SENATOR JOHNS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COMMERCIAL REGULATIONS. Provides relative to fraud protection requirements for retail motor fuel devices. (1/1/22)

1 AN ACT

2 To enact R.S. 3:4676, relative to the Louisiana Weights and Measures Law; to provide
3 relative to the sale of petroleum products; to require fraud protection requirements
4 for retail motor fuel devices; to provide relative to the authority of the commissioner
5 of agriculture and forestry; to provide relative to conflicts of law; to provide for
6 definitions; to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 3:4676 is hereby enacted to read as follows:

9 **§4676. Fraud protection requirements for retail motor fuel devices**

10 **A. Any retail motor fuel device capable of conducting consumer initiated**
11 **electronic financial transactions shall be secured to substantially restrict the**
12 **ability of unauthorized persons to manipulate it to obtain payment information**
13 **that could be used to commit fraud.**

14 **B. Compliance with the provisions of Subsection A of this Section shall**
15 **be accomplished by any of the following:**

16 **(1) Installation of a locking device on the exterior of each door that**
17 **provides access to an interior portion of the retail motor fuel device from which**

1 the payment terminal or any electronic component connected to the payment
 2 terminal may be accessed. The locking device shall not have a universal key, but
 3 shall have an access key unique to the business location.

4 (2) A feature on the retail motor fuel device that disables the device if
 5 unauthorized access to the interior portion of the device is attempted.

6 (3) Any security solution adopted by rule of the commissioner pursuant
 7 to R.S. 3:4608.

8 C. For the purposes of this Section, "universal key" means a key that is
 9 readily available in the market or can be easily purchased in a hardware or
 10 common retail store.

11 D. In the event of conflict between the provisions of this Section and any
 12 other provision of law, including a state standard pursuant to R.S. 3:4606, the
 13 provisions of this Section shall govern.

14 Section 2. This Act shall become effective on January 1, 2022.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Curry Lann.

DIGEST

SB 17 Original

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Johns

Present law (R.S. 3:4601 et seq.) creates the Louisiana Weights and Measures Law, which governs the weights, measures, and weighing and measuring devices offered for sale, sold, and in use in the state, including the sale of petroleum products.

Proposed law retains present law.

Proposed law requires any retail motor fuel device capable of conducting consumer initiated electronic financial transactions be secured to substantially restrict the ability of unauthorized persons to manipulate it to obtain payment information that could be used to commit fraud.

Proposed law requires compliance by any of the following:

- (1) Installation of a locking device on the exterior of each door that provides access to an interior portion of the retail motor fuel device from which the payment terminal or any electronic component connected to the payment terminal may be accessed. The locking device shall not have a universal key, but shall have an access key unique to the business location.
- (2) A feature on the retail motor fuel device that disables the device if unauthorized access to the interior portion of the device is attempted.
- (3) Any security solution adopted by rule of the commissioner pursuant to R.S. 3:4608.

Proposed law defines "universal key" as a key that is readily available in the market or can be easily purchased in a hardware or common retail store.

Proposed law provides in the event of conflict between proposed law and any other provision of law, including a state standard within the Louisiana Weights and Measures Law, the provisions of proposed law govern.

Present law provides that whoever violates the provisions of present law or of any rule or regulation adopted pursuant to present law, may, in addition to any civil penalty that may be imposed by the commissioner of agriculture and forestry, for the first and second offense, forfeit the right, for not less than one week nor more than six months, to continue or to engage in the business of buying, selling, or distributing petroleum products at the place of business involved.

Proposed law retains present law.

Present law provides that for any subsequent offense, the offender may forfeit the right to engage in said business for not less than three months nor more than 12 months.

Proposed law retains present law.

Effective January 1, 2022.

(Adds R.S. 3:4676)