

A Bill for an Act Relating to Credit Card Offenses.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 751-4, Hawaii Revised Statutes, is amended to read as follows:

“Section 751-4 Fraudulent use of credit cards, etc., penalties. A person, who, with intent to defraud the issuer, a person or organization providing money, goods, services, or anything else of value, or any other person, (1) uses for the purpose of obtaining money, goods, services, or anything else of value a credit card obtained or retained in violation of section 751-3 or a credit card which he knows is forged, expired, or revoked; or (2) obtains money, goods, services, or anything else of value by representing without the consent of the cardholder that he is the holder of a specified card or by representing that he is the holder of a card and such card has not in fact been issued, violates this section and is subject to the penalties set forth in subsection 751-10(a), if the value of all money, goods, services, and other things of value obtained in violation of this section does not exceed \$100 in any six-month period; and is subject to the penalties set forth in subsection 751-10(b), if such value exceeds \$100 in any six-month period.

Knowledge of revocation of a credit card shall be presumed to have been received by a cardholder four days after it has been mailed to him at the address set forth on the credit card or at his last known address by registered or certified mail, return receipt requested, and, if the address is more than five hundred miles from the place of mailing, by air mail. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone, and Canada, notice shall be presumed to have been received ten days after mailing by registered or certified mail.”

SECTION 2. Section 751-5, Hawaii Revised Statutes, is amended to read as follows:

“Section 751-5 Fraud by person authorized to provide goods or services; penalties. (a) A person who is authorized by an issuer to furnish money, goods, services, or anything else of value upon presentation of a credit card by the cardholder, or any agent or employees of such person, who, with intent to defraud the issuer or the cardholder, furnishes money, goods, services, or anything else of value upon presentation of a credit card

obtained or retained in violation of section 751-3 or a credit card which he knows is forged, expired, or revoked violates this subsection and is subject to the penalties set forth in subsection 751-10(a), if the value of all money, goods, services, and other things of value furnished in violation of this subsection does not exceed \$100 in any six month period; and is subject to the penalties set forth in subsection 751-10(b), if such value exceeds \$100 in any six-month period.

(b) A person who is authorized by an issuer to furnish money, goods, services, or anything else of value upon presentation of a credit card by the cardholder, or any agent or employee of such person, who, with intent to defraud the issuer or the cardholder, fails to furnish money, goods, services, or anything else of value which he represents in writing to the issuer that he has furnished violates this subsection and is subject to the penalties set forth in subsection 751-10(a), if the difference between the value of all money, goods, services, and anything else of value actually furnished and the value represented to the issuer to have been furnished does not exceed \$100 in any six-month period; and is subject to the penalties set forth in subsection 751-10(b), if such difference exceeds \$100 in any six-month period."

SECTION 3. Section 751-7, Hawaii Revised Statutes, is amended to read as follows:

"Section 751-7 Receipt of money, goods, services, or anything else of value obtained in violation of section 751-4; penalties. A person who receives money, goods, services, or anything else of value obtained in violation of section 751-4, knowing or believing that it was so obtained violates this section and is subject to the penalties set forth in subsection 751-10(a), if the value of all money, goods, services, and other things of value obtained in violation of this section does not exceed \$100 in any six-month period; and is subject to the penalties set forth in subsection 751-10(b), if the value exceeds \$100 in any six-month period. If a person possesses three or more tickets for airline, railroad, steamship or other transportation services, which tickets were obtained from the issuer or agent thereof by the use of a stolen or forged credit card, or otherwise obtained in violation of section 751-4, it is prima facie evidence that he knew such tickets had been so obtained."

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 5. This Act shall take effect upon its approval.

(Approved May 31, 1974.)

*Edited accordingly.