Act No. 157
Public Acts of 1997
Approved by the Governor
December 22, 1997
Filed with the Secretary of State
December 22, 1997
EFFECTIVE DATE: January 1, 1998

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1997

Introduced by Reps. Brater, Baird, Thomas, DeHart, Walberg, Hale, Kaza, Anthony, Martinez, Whyman, Gubow, Goschka, Schermesser, Schroer, LaForge, Parks, Willard, Quarles, Scott, Schauer, Cherry, McBryde, Bogardus and Jellema

ENROLLED HOUSE BILL No. 4768

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," (MCL 600.101 to 600.9948), by adding section 2964.

The People of the State of Michigan enact:

Sec. 2964. (1) Except as provided in subsection (2), a person shall not require that a social security or credit card number be written on a check as a condition of acceptance of that check. As used in this section, "check" includes a draft, warrant, or any other instrument that authorizes the payment of money.

(2) This section does not prohibit any of the following:

(a) A credit granting institution from requiring its own account number to be recorded on a check.

(b) A governmental entity from requiring a person to record his or her social security number on a check made for a payment on a tax liability.

(c) A person that has agreed to accept a check from a credit card holder if the check is guaranteed by the credit card issuer from requiring the credit card number and the expiration date of the card to be recorded on the check.

(3) The following is prima facie evidence of the identity of the drawer of a check:

(a) The following drawer information if obtained from the drawer and recorded on the check:

(*i*) Name.

(*ii*) Address.

(*iii*) Home or work telephone number, if any.

(*iv*) Driver license number, state identification card number, or military identification card number.

(b) The signature of the drawer if witnessed and initialed by the person receiving the check.

(4) Except as provided in subsection (5), a person who violates this section is responsible for a state civil infraction punishable by a fine of not more than $500.00.

(5) In a sale at retail, it is the owner of the business that is liable for a violation under this section and is responsible for a state civil infraction punishable by a fine of not more than $500.00.

(6) As used in this section, “sale at retail” means a transaction by which ownership or leasing of tangible personal property is transferred or leased for consideration, if made in the ordinary course of business.

Enacting section 1. This amendatory act takes effect January 1, 1998.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Carol Morey Viventi

Secretary of the Senate.

Approved ____

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Governor.