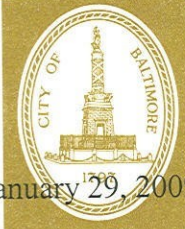


CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

The Honorable President and Members
of the Baltimore City Council
c/o Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: Baltimore City Council Bill 08-0232 {Charge Cards – Protection of
Account Number}

Dear Madame President and City Council Members:

The Law Department has reviewed City Council Bill 08-0232 for form and legal sufficiency. The bill would add language to the Consumer Protections Article of the City Code that would prohibit a merchant in Baltimore City from creating or retaining a charge card receipt with certain information.

The Commercial Law Article of the Maryland Code provides that “A person that accepts a credit card number or other payment device number for the transaction of business may not print more than eight digits of the credit card number or other payment device number on a receipt provided to the holder of the credit card or payment device.” Md. Code Ann., Commercial Law § 14-1318(c). A person who violates that provision is subject to a civil penalty for each violation. Md. Code Ann., Commercial Law § 14-1318 (d). Additionally, federal law provides that “no person that accepts credit cards or debit cards for the transaction of business shall print more than the last 5 digits of the card number or the expiration date upon any receipt provided to the cardholder at the point of the sale or transaction.” 15 U.S.C.A. § 1681c(g)(1). Furthermore, federal law expressly preempts any local law regarding these provisions. Federal law provides that “No requirement or prohibition may be imposed under the laws of any State...with respect to the conduct required by the specific provisions of...section 1681c(g) of this title...” 15 U.S.C.A. § 1681t(b)(5)(A).

Local law may be preempted in one of three ways: (1) preemption by conflict, (2) express preemption, or (3) implied preemption. *Worton Creek Marina v. Claggett*, 381 Md. 499, 512 (2004) (internal citations and quotations omitted). In this case, the proposed bill would clearly be expressly preempted by federal law, and would also be preempted by state law. Unfortunately, the Law Department cannot approve City Council Bill 08-0232.

Sincerely,

Deepa Bhattacharyya
Assistant Solicitor



cc: The Honorable Belinda Conaway
Angela Gibson, Mayor's Legislative Liaison
George Nilson, City Solicitor
Elena R. DiPietro, Chief Assistant Solicitor
Ashlea Brown, Assistant Solicitor
Hilary Ruley, Assistant Solicitor