

NORTH CAROLINA GENERAL ASSEMBLY  
1967 SESSION

CHAPTER 1244  
HOUSE BILL 1076

1 AN ACT RELATING TO THE ILLEGAL USE OF CREDIT CARDS.

2  
3 The General Assembly of North Carolina do enact:  
4

5 **Section 1.** Article 19A of Chapter 14 of the General Statutes is hereby amended by  
6 striking out the words "card" and "credit card" wherever they appear in said Article, and by  
7 adding the following as G.S. 14-113.7a:

8 "This Article shall not be construed as being applicable to any credit card as the term is  
9 defined in G.S. 14-113.8."

10 **Sec. 2.** A new Article 19B of Chapter 14 of the General Statutes is hereby added,  
11 which Article shall be entitled the "Credit Card Crime Act", and shall read as follows:

12 **"§ 14-113.8. Definitions.** The following words and phrases as used in this chapter, unless a  
13 different meaning is plainly required by the context, shall have the following meanings:

- 14 (1) Cardholder. 'Cardholder' means the person or organization named on the fact  
15 of a credit card to whom or for whose benefit the credit card is issued by an  
16 issuer.  
17 (2) Credit card. 'Credit card' means any instrument or device, whether known as  
18 a credit card, credit plate, or by any other name, issued with or without fee  
19 by an issuer for the use of the cardholder in obtaining money, goods,  
20 services or anything else of value on credit.  
21 (3) Expired credit card. 'Expired credit card' means a credit card which is no  
22 longer valid because the term shown on it has elapsed.  
23 (4) Issuer. 'Issuer' means the business organization or financial institution which  
24 issues a credit card or its duly authorized agent.  
25 (5) Receives. 'Receives' or 'receiving' means acquiring possession or control or  
26 accepting as security for a loan.  
27 (6) Revoked credit card. 'Revoked credit card' means a credit card which is no  
28 longer valid because permission to use it has been suspended or terminated  
29 by the issuer.

30 **"G. S. 14-113.9. Credit Card Theft.** (1) A person is guilty of credit card theft when:

- 31 a. He takes, obtains or withholds a credit card from the person,  
32 possession, custody or control of another without the cardholder's  
33 consent or who, with knowledge that it has been so taken, obtained or  
34 withheld, receives the credit card with intent to use it or to sell it, or  
35 to transfer it to a person other than the issuer or the cardholder; or  
36 b. He receives a credit card that he knows to have been lost, mislaid, or  
37 delivered under a mistake as to the identity or address of the  
38 cardholder, and who retains possession with intent to use it or to sell  
39 it or to transfer it to a person other than the issuer or the cardholder;  
40 or  
41 c. He, not being: the issuer, sells a credit card or buys a credit card from  
42 a person other than the issuer; or

1 d. He, not being the issuer, during any 12-month period, receives credit  
2 cards issued in the names of two or more persons which he has  
3 reason to know were taken or retained under circumstances which  
4 constitute a violation of G.S. 14-113.13(1)(c) and paragraph c of  
5 subdivision 1 of this Section.

6 (2) Taking, obtaining or withholding a credit card without consent is included in  
7 conduct denned in G.S. 14-75 as larceny.

8 Conviction of credit card theft is punishable as provided in G.S. 14-113.18(2).

9 **"G.S. 14-113.10. Prima Facie Evidence of Theft.** When a person has in his possession or  
10 under his control credit cards issued in the names of two or more persons other than members  
11 of his immediate family, such possession shall be prima facie evidence that such credit cards  
12 have been obtained in violation of subdivision 1 of G.S. 14-113.9.

13 **"G.S. 14-113.11. Forgery of Credit Card.** (1) A person is guilty of credit card forgery when:

14 a. With intent to defraud a purported issuer, a person or organization  
15 providing money, goods, services or anything else of value, or any  
16 other person, he falsely makes or falsely embosses a purported credit  
17 card or utters such a credit card; or

18 b. He, not being the cardholder or a person authorized by him, with  
19 intent to defraud the issuer, or a person or organization providing  
20 money, goods, services or anything else of value, or any other  
21 person, signs a credit card.

22 (2) A person falsely makes a credit card when he makes or draws, in whole or in  
23 part, a device or instrument which purports to be the credit card of a named  
24 issuer but which is not such a credit card because the issuer did not authorize  
25 the making or drawing, or alters a credit card which was validly issued.

26 (3) A person falsely embosses a credit card when, without the authorization of  
27 the named issuer, he completes a credit card by adding any of the matter,  
28 other than the signature of the cardholder, which an issuer requires to appear  
29 on the credit card before it can be used by a cardholder.

30 Conviction of credit card forgery shall be punishable as provided in G.S. 14-113.18(2).

31 **"G.S. 14-113.12. Prima Facie Evidence of Forgery.** (1) When a person, other than the  
32 purported issuer, possesses two or more credit cards which are falsely made or falsely  
33 embossed, such possession shall be prima facie evidence that said cards were obtained in  
34 violation of G.S. 14-113.11(1)(a).

35 (2) When a person, other than the card holder or a person authorized by him,  
36 possesses two or more credit cards which are signed, such possession shall  
37 be prima facie evidence that said cards were obtained in violation of  
38 G.S. 14-113.11(1)(b).

39 **"G.S. 14-113.13. Credit Card Fraud.** (1) A person is guilty of credit card fraud when, with  
40 intent to defraud the issuer, a person or organization providing money, goods, services or  
41 anything else of value, or any other person, he

42 a. Uses for the purpose of obtaining money, goods, services or anything  
43 else of value a credit card obtained or retained in violation of  
44 G.S. 14-113.9 or a credit card which he knows is forged, expired or  
45 revoked; or

46 b. Obtains money, goods, services or anything else of value by  
47 representing without the consent of the cardholder that he is the  
48 holder of a specified card or by representing that he is the holder of a  
49 card and such card has not in fact been issued; or

50 c. Obtains control over a credit card as security for debt.

- 1 (2) A person who is authorized by an issuer to furnish money, goods, services or  
2 anything else of value upon presentation of a credit card by the cardholder,  
3 or any agent or employee of such person, is guilty of a credit card fraud  
4 when, with intent to defraud the issuer or the cardholder, he  
5 a. Furnishes money, goods, services or anything else of value upon  
6 presentation of a credit card obtained or retained in violation of  
7 G.S. 14-113.9, or a credit card which he knows is forged, expired or  
8 revoked; or  
9 b. Fails to furnish money, goods, services or anything else of value  
10 which he represents in writing to the issuer that he has furnished.  
11 Conviction of credit card fraud is punishable as provided in  
12 G.S. 14-113.17(1) if the value of all money, goods, services and  
13 other things of value furnished in violation of this Section, or if the  
14 difference between the value of all money, goods, services and  
15 anything else of value actually furnished and the value represented to  
16 the issuer to have been furnished in violation of this Section, does not  
17 exceed five hundred dollars (\$500.00) in any six-month period;  
18 conviction of credit card fraud is punishable as provided in  
19 G.S. 14-113.17(2) if such value exceeds five hundred dollars  
20 (\$500.00) in any six-month period.

21 **"G.S. 14-113.14. Criminal Possession of Credit Card Forgery Devices.** (1) A person is  
22 guilty of criminal possession of credit card forgery devices when:

- 23 a. He is a person other than the cardholder and possesses two or more  
24 incomplete credit cards, with intent to complete them without the  
25 consent of the issuer; or  
26 b. He possesses, with knowledge of its character, machinery, plates or  
27 any other contrivance designed to reproduce instruments purporting  
28 to be credit cards of an issuer who has not consented to the  
29 preparation of such credit cards.  
30 (2) A credit card is incomplete if part of the matter other than the signature of  
31 the cardholder, which an issuer requires to appear on the credit card before it  
32 can be used by a cardholder, has not yet been stamped, embossed, imprinted  
33 or written upon.

34 Conviction of criminal possession of credit card forgery devices is punishable as provided in  
35 G.S. 14-113.17(2).

36 **"G. S. 14-113.15. Criminal Receipt of Goods and Services Fraudulently Obtained.** A  
37 person is guilty of criminally receiving goods and services fraudulently obtained when he  
38 receives money, goods, services or anything else of value obtained in violation of G.S. 14-  
39 113.13(1) with the knowledge or belief that the same were obtained in violation of G.S. 14-  
40 113.13(1). Conviction of criminal receipt of goods and services fraudulently obtained is  
41 punishable as provided in G.S. 14-113.17(1) if the value of all money, goods, services and  
42 anything else of value, obtained in violation of this Section, does not exceed five hundred  
43 dollars (\$500.00) in any six-month period; conviction of criminal receipt of goods and services  
44 fraudulently obtained is punishable as provided in G.S. 14-113.17(2) if such value exceeds five  
45 hundred dollars (\$500.00) in any six-month period.

46 **"G.S. 14-113.16. Presumption of Criminal Receipt of Goods and Services Fraudulently  
47 Obtained.** (1) A person who obtains at a discount price a ticket issued by an airline, railroad,  
48 steamship or other transportation company from other than an authorized agent of such  
49 company which was acquired in violation of G.S. 14-113.13(1) without reasonable inquiry to  
50 ascertain that the person from whom it was obtained had a legal right to possess it shall be

1 presumed to know that such ticket was acquired under circumstances constituting a violation of  
2 G.S. 14-113.13(1).

3 **"G.S. 14-113.17. Punishment and Penalties.** (1) A person who is subject to the punishment  
4 and penalties of this subsection shall be fined not more than one thousand dollars (\$1,000.00)  
5 or imprisoned not more than one year, or both.

6 (2) A crime punishable under this subsection is a felony and shall be punishable  
7 by a fine of not more than three thousand dollars (\$3,000.00) or  
8 imprisonment for not more than three years, or both."

9 **Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

10 **Sec. 4.** This Act shall be in full force and effect from and after July 1, 1967.

11 In the General Assembly read three times and ratified, this the 6th day of July, 1967.