

715A.10 Illegal use of scanning device or encoding machine.

1. A person commits a class “D” felony if the person does any of the following:

a. Directly or indirectly uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on a payment card without the permission of the authorized user of the payment card, the issuer of the authorized user’s payment card, or a merchant.

b. Directly or indirectly uses an encoding machine to place information encoded on a payment card onto a different payment card without the permission of the authorized user of the payment card from which the information was obtained, the issuer of the authorized user’s payment card, or a merchant.

2. A person commits an aggravated misdemeanor if the person possesses a scanning device with the intent to use such device to obtain information encoded on a payment card without the permission of the authorized user of the payment card, the issuer of the authorized user’s payment card, or a merchant, or possesses a scanning device with knowledge that a person other than the authorized user, the issuer of the authorized user’s payment card, or a merchant intends to use the scanning device to obtain information encoded on a payment card without the permission of the authorized user, the issuer of the authorized user’s payment card, or a merchant.

3. A second or subsequent violation of [this section](#) is a class “C” felony.

4. As used in [this section](#):

a. “*Encoding machine*” means an electronic device that is used to encode information onto a payment card.

b. “*Merchant*” means an owner or operator of a retail mercantile establishment or an agent, employee, lessee, consignee, officer, director, franchisee, or independent contractor of such owner or operator. A “*merchant*” also includes an establishing financial institution referred to in [section 527.5](#), a person who receives from an authorized user of a payment card, or someone the person believes to be an authorized user, a payment card or information from a payment card, or what the person believes to be a payment card or information from a payment card, as the instrument for obtaining, purchasing, or receiving goods, services, money, or anything else of value from the person.

c. “*Payment card*” means a credit card, charge card, debit card, access device as defined in [section 527.2](#), or any other card that is issued to an authorized card user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

d. “*Scanning device*” means a scanner, reader, wireless access device, radio frequency identification scanner, an electronic device that utilizes near field communications technology, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on a payment card.

[2003 Acts, ch 12, §3](#); [2018 Acts, ch 1011, §1](#)

Referred to in [§715C.1, 716.5](#)

Section amended