Recent years have witnessed unprecedented innovations in forms of payments, while applicable law has struggled to keep up. Some forms of payment are loosely and unevenly regulated. Some transactions that are identical from the consumer’s perspective are in fact regulated by entirely different sets of laws.

The law’s failure to keep up with new payment systems means that consumer protections for virtually the same transaction may differ markedly, and it is important for the advocate to understand precisely the nature of the payment and the applicable law. Different rights may ensue depending on whether a payment is evidenced in the consumer’s bank statement as an ACH payment or a check, even though the consumer just knows that he or she wrote a personal check to the merchant. Similarly, when the consumer uses a card with a Visa logo on it, the consumer’s rights may differ depending on whether the card is a credit card, a bank debit card, a payroll card, a Social Security prepaid card, or a privately purchased prepaid card.

Sections 1.2.2–1.2.4 infra, provide checklists for the different forms of payments, their applicable law, and where in this treatise consumer rights under these forms of payment are analyzed.

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