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## CHAPTER TWELVE – MISCELLANEOUS

### SECTION 12.1 Termination

- a. **General.** Each Issuer or Acquirer that voluntarily terminates its processing of Transactions shall provide advance written notice to NACHA and shall continue to be bound by these Rules with respect to matters occurring prior to such termination, and shall continue to be liable with respect to Transactions initiated prior to such termination, including Correction Requests and Correction Responses of such Transactions. *(Amended December 1, 2000)*
- b. **Issuers.**
- (i) **New Issuer.** Upon termination of an Issuer Participation Agreement, each terminated Issuer shall promptly cease use of the QUEST Mark, except as necessary to facilitate the transition to a successor Issuer.
  - (ii) **Withdrawal from Quest.** If a Government Entity determines that Cards issued on its behalf should cease participation under the QUEST Mark, the Issuer of such Cards shall cease issuing Cards or documentation bearing the QUEST Mark immediately upon its cessation of Transaction processing for such Government Entity, and, within twenty-four (24) months of such cessation, shall issue replacement cards that do not bear the QUEST Mark for all its outstanding Cards for such Government Entity.
- c. **Acquirers.** If an Acquirer's Acquirer Agreement is terminated, voluntarily or involuntarily, and such Acquirer does not have in effect another Acquirer Agreement, the terminated Acquirer shall promptly take all necessary action to cease all use of the QUEST Mark and shall promptly take all necessary action to cause its Merchants to cease all use of the QUEST Mark, unless such Merchants have entered into Merchant Agreements with other Acquirers. If a terminated Acquirer fails to take such action, NACHA may take such action itself at the expense of the Acquirer, after providing at least three (3) calendar days' notice of its intention to do so to the Acquirer.

### SECTION 12.2 Amendment of the Rules

These Rules may be amended from time to time by a vote of the Board of Directors of NACHA in accordance with the NACHA by-laws. NACHA shall distribute notice of any proposed amendment of these Rules to the Registered State Representatives. If at the time of such notice there are at least 20 Registered State Representatives and sixty percent (60%) or more of such Registered State Representatives object to the adoption of such amendment in a writing delivered to the designated NACHA contact within thirty (30) days of the date of such notice, the proposed amendment shall not become effective. *(Amended December 16, 2008)*

### SECTION 12.3 Placement of a Non-Quest Mark on a Card with a QUEST Mark

The use of the Quest Card at a Quest Terminal to access an Account shall be treated as a Quest Transaction subject to these Rules unless both the Quest Card and the Quest Terminal also bear the service mark of a Network and each of the following apply: (i) The Issuer has entered into an agreement with such Network for the Network to process transactions involving Accounts as transactions subject to Network Rules, (ii) the Issuer is authorized pursuant to its Issuer Agreement to enter into such agreement, and (iii) the Terminal Operator routes such transaction to the Network switch. *(Amended June 13, 1997)*

If a Government Entity determines that Cards issued on its behalf shall bear both the QUEST Mark and a Non-Quest Mark, prior notice to and coordination with NACHA shall be performed, to assure satisfaction of the requirements of the Rules as they relate to the QUEST Mark. *(Amended December 16, 2008)*



#### **SECTION 12.4 Variances**

Any Participant may seek a variance from compliance with one or more provisions of these Rules by written application to NACHA. A variance should be requested only when special circumstances warrant exemption of the specific Participant that would not otherwise be applicable to other Participants. A variance of these Rules may be granted only by a vote of the Board of Directors of NACHA in accordance with the NACHA by-laws. NACHA shall distribute notice of any proposed variance from these Rules to the Registered State Representatives. If at the time of such notice there are at least 20 Registered State Representatives and sixty percent (60%) or more of such Registered State Representatives object to the adoption of such variance in a writing delivered to the designated NACHA contact within thirty (30) days of the date of such notice, the proposed variance shall not become effective. *(Amended December 16, 2008)*

#### **SECTION 12.5 Fees**

The Rules do not address and shall not address any transaction, processing, interchange, gateway or other fee of any kind related to Quest Transactions. *(Amended January 30, 1997 and October 8, 2002)*

#### **SECTION 12.6 Registered State Representative** *(Amended December 16, 2008)*

If a State Government Entity agrees to adopt the Quest® Operating Rules for its EBT Program, such Government Entity may appoint a Registered State Representative by providing written notice to the designated NACHA contact, provided that only one Registered State Representative may be appointed for any such participating Quest® State. Such Registered State Representative may be replaced or removed by such Government Entity at any time upon provision of written notice to the designated NACHA contact.