

AUTOMATED TELLER MACHINE AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: David Clark

This act modifies the Automated Teller Machine Act to enact guidelines governing agreements to share or operate automated teller machines.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

7-16a-202, as enacted by Chapter 111, Laws of Utah 1997

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **7-16a-202** is amended to read:

7-16a-202. Powers of depository institutions operating automated teller machines.

(1) An operator may:

(a) make an automated teller machine available for use by customers of one or more issuers;

(b) connect the automated teller machine with an electronic consumer funds transfer system connecting one or more depository institutions to one or more automated teller machines; and

(c) impose a transaction fee for the use of the automated teller machine, if the imposition of the fee is disclosed at a time and in a manner that allows a user to terminate or cancel the transaction without incurring the transaction fee.

(2) Except for the dispensing of currency or coin or accepting deposits or payments, any service provided by an operator to a customer at the automated teller machine is not governed by this chapter.

(3) The transaction fee permitted in Subsection (1)(c) may be in addition to any other charges imposed by any of the following entities involved in the transaction:



- 28 (a) an electronic consumer funds transfer system;
29 (b) a depository institution; or
30 (c) an issuer.
- 31 (4) Any of the following entities may charge any or all customers any transaction fee
32 allowed or not prohibited by state or federal law:
- 33 (a) a depository institution;
34 (b) an owner;
35 (c) an operator;
36 (d) an issuer; or
37 (e) an electronic consumer funds transfer system.
- 38 (5) An agreement to share or operate automated teller machines may not:
39 (a) prohibit, limit, or restrict the right of an operator to charge a customer any fee
40 allowed by state or federal law; or
41 (b) require an operator to limit or waive the operator's rights or obligations under this
42 chapter.

Legislative Review Note
as of 2-4-03 8:11 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel