

**AUTOMATED TELLER MACHINE FEES**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mark W. Walker**

Senate Sponsor: Curtis S. Bramble

Cosponsor: Julie Fisher

---

---

**LONG TITLE**

**General Description:**

This bill modifies the Financial Institutions Act addressing automated teller machine transaction fees.

**Highlighted Provisions:**

This bill:

- ▶ provides that permitted transaction fees include a fee or surcharge involving a depository institution outside of the United States; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

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 -- Fees or surcharges.**

(1) An operator may:

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

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

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

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

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

43 (a) an electronic consumer funds transfer system;

44 (b) a depository institution; or

45 (c) an issuer.

46 (4) Any of the following entities may charge any or all customers any transaction fee  
47 allowed or not prohibited by state or federal law:

48 (a) a depository institution;

49 (b) an owner;

50 (c) an operator;

51 (d) an issuer; or

52 (e) an electronic consumer funds transfer system.

53 (5) A transaction fee allowed under this section includes a fee or surcharge to a  
54 customer conducting a transaction using an account from a depository institution that is located  
55 outside of the United States.