

1 **AUTOMATED TELLER MACHINE FEES**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mark W. Walker**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **7-16a-202**, as enacted by Chapter 111, Laws of Utah 1997

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

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

26 **7-16a-202. Powers of depository institutions operating automated teller machines**
27 **-- Fees or surcharges.**



28 (1) An operator may:
29 (a) make an automated teller machine available for use by customers of one or more
30 issuers;

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

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

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

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

42 (a) an electronic consumer funds transfer system;

43 (b) a depository institution; or

44 (c) an issuer.

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

47 (a) a depository institution;

48 (b) an owner;

49 (c) an operator;

50 (d) an issuer; or

51 (e) an electronic consumer funds transfer system.

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

Legislative Review Note

as of 1-30-06 8:59 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel