

**AUTOMATED TELLER MACHINE CHARGES  
FOR INTERNATIONAL ACCOUNTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Julie Fisher**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill modifies the Financial Institutions Act addressing agreements entered into related to transaction fees for automated teller machines.

**Highlighted Provisions:**

This bill:

- ▶ restricts agreements with the charging of certain fees without limiting surcharge free networks; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**7-16a-202**, as last amended by Chapter 327, Laws of Utah 2006

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*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**



28 -- Fees or surcharges.

29 (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 transaction fee is disclosed at a time and in a manner that allows a user to  
37 terminate or 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) (a) Any of the following entities may charge any or all customers any transaction  
47 fee allowed or not prohibited by state or federal law:

48 [~~(a)~~] (i) a depository institution;

49 [~~(b)~~] (ii) an owner;

50 [~~(c)~~] (iii) an operator;

51 [~~(d)~~] (iv) an issuer; or

52 [~~(e)~~] (v) an electronic consumer funds transfer system.

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

56 (c) (i) Subject to Subsection (4)(c)(ii) and to the extent not prohibited by federal law,  
57 an agreement to operate or share an automated teller machine may not prohibit, limit, or  
58 otherwise restrict a person described in Subsection (4)(a) from charging a customer for use of

59 or access to the automated teller machine on the basis of the customer using an account from an  
60 institution providing financial services that is located outside of the United States if the charge  
61 is not otherwise prohibited under state or federal law.

62 (ii) Notwithstanding Subsection (4)(c)(i), nothing in this section may be construed to  
63 prohibit, limit, or otherwise restrict the ability of a person described in Subsection (4)(a) from  
64 voluntarily entering into an agreement to participate in a surcharge free network.

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**Legislative Review Note**  
as of 1-3-07 1:05 PM

**Office of Legislative Research and General Counsel**

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**H.B. 88 - Automated Teller Machine Charges for International Accounts**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments. Businesses would receive a small fee for transactions covered by the bill and some individuals would experience a small fee per transaction.

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*1/11/2007, 2:48:02 PM, Lead Analyst: Eckersley, S.*

**Office of the Legislative Fiscal Analyst**