

# HOUSE BILL No. 4893

June 5, 1997, Introduced by Reps. Thomas, Freeman, McBryde, Kelly, Prusi, Schauer, Frank, Harder, Hale, Voorhees, Kilpatrick, Martinez, Brater, Bogardus, Willard, Wojno, Hanley, Brewer, Scott, Goschka, Parks, Anthony, Cropsey, Gire, Tesanovich, Wetters, Quarles, Varga, Schermesser, Byl, McNutt and DeHart and referred to the Committee on Commerce.

A bill to require certain persons that provide automatic teller machine services to disclose information regarding fees and charges.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 1. As used in this act:
- 2       (a) "ATM" means an automatic teller machine or other device
- 3 that permits a person to electronically transact business with
- 4 his or her financial institution.
- 5       (b) "Financial institution" means a state or nationally
- 6 chartered bank or a state or federally chartered savings and loan
- 7 association, savings bank, or credit union.
- 8       (c) "Person" means an individual, corporation, association,
- 9 partnership, governmental entity, or any other legal entity.
- 10       (d) "Provider" means a person that provides ATM service.
- 11 Provider does not include a financial institution.

1       Sec. 2. (1) If a provider of ATM service assesses or  
2 imposes a fee or charge for the use of an ATM of the provider,  
3 prior to the completion of the ATM transaction, the provider  
4 shall notify the person using the ATM of the fee or charge and  
5 the amount that will be assessed or imposed.

6       (2) In addition to the information required to be disclosed  
7 under subsection (1), the provider shall also notify the person  
8 that his or her financial institution may assess or impose an  
9 additional fee or charge.

10       Sec. 3. The person attempting to use the provider's ATM  
11 shall be able to cancel the transaction at any time without  
12 incurring a fee or charge.

13       Sec. 4. (1) A person who violates this act is guilty of a  
14 misdemeanor punishable by a fine of not more than \$1,000.00 or by  
15 imprisonment for not more than 90 days, or both.

16       (2) Each transaction completed in violation of this act  
17 shall be a separate offense under this section.