

SENATE BILL NO. 1291

September 16, 1998, Introduced by Senators HART, CHERRY and
CONROY and referred to the Committee on Financial Services.

A bill to amend 1969 PA 319, entitled
"Banking code of 1969,"
(MCL 487.301 to 487.598) by adding section 247.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 247. (1) AS USED IN THIS SECTION:
2 (A) "ATM" MEANS AN ELECTRONIC DEVICE SITUATED IN MICHIGAN
3 OWNED, OPERATED, OR LEASED BY A BANK, OTHER THAN A TELEPHONE,
4 FACSIMILE MACHINE, OR PERSONAL COMPUTER OPERATED BY A CONSUMER,
5 THROUGH WHICH A CONSUMER INITIATES AN ELECTRONIC FUND TRANSFER.
6 THE TERM DOES NOT INCLUDE A POINT-OF-SALE TERMINAL USED EXCLU-
7 SIVELY TO PAY FOR A PURCHASE OF GOODS OR SERVICES BY TRANSFERRING
8 FUNDS ELECTRONICALLY FROM A CONSUMER'S CREDIT CARD ARRANGEMENT OR
9 DEPOSIT ACCOUNT AT A FINANCIAL INSTITUTION TO THE TERMINAL
10 PROVIDER'S ACCOUNT AT A FINANCIAL INSTITUTION OR A DEVICE LOCATED
11 ON THE PREMISES OF A CUSTOMER OF A FINANCIAL INSTITUTION WHICH IS

1 USED TO EXECUTE TRANSACTIONS ONLY BETWEEN THAT CUSTOMER AND THE
2 FINANCIAL INSTITUTION.

3 (B) "CONSUMER" MEANS AN INDIVIDUAL.

4 (C) "CREDIT CARD" MEANS A CARD OR DEVICE ISSUED UNDER A
5 CREDIT CARD ARRANGEMENT WHICH GIVES THE CARD HOLDER THE PRIVILEGE
6 OF OBTAINING LOANS FROM THE CARD ISSUER.

7 (D) "CREDIT CARD ARRANGEMENT" MEANS A LINE OF CREDIT ISSUED
8 BY A FINANCIAL INSTITUTION TO A CONSUMER, WHICH LINE OF CREDIT
9 MAY BE ACCESSED FOR THE PURPOSE OF OBTAINING A LOAN BY MEANS OF A
10 CREDIT CARD.

11 (E) "ELECTRONIC FUND TRANSFER" MEANS ANY TRANSACTION CON-
12 DUCTED BY A CONSUMER USING AN ATM THAT INSTRUCTS OR AUTHORIZES A
13 FINANCIAL INSTITUTION TO DEBIT OR CREDIT THE CONSUMER'S DEPOSIT
14 ACCOUNT OR CREDIT CARD ARRANGEMENT.

15 (F) "FINANCIAL INSTITUTION" MEANS A STATE OR NATIONAL
16 CHARTERED BANK OR A STATE OR FEDERAL CHARTERED SAVINGS AND LOAN
17 ASSOCIATION, SAVINGS BANK, OR CREDIT UNION.

18 (2) A BANK SHALL NOT IMPOSE A FEE OR CHARGE FOR AN ELEC-
19 TRONIC FUND TRANSFER.

20 (3) FOR EACH TRANSACTION INVOLVING AN ATM, THE CONSUMER
21 USING THE ATM SHALL BE GIVEN THE OPTION OF RECEIVING INFORMATION
22 INDICATING THE NATURE AND AMOUNTS INVOLVED IN THE TRANSACTION AND
23 THE RESULTING BALANCES OF THE ACCOUNTS AFFECTED BY THE
24 TRANSACTION. THE CONSUMER SHALL ALSO BE GIVEN THE OPTION OF
25 RECEIVING THE INFORMATION EITHER ON A PRINTED STATEMENT PROVIDED
26 AT THE END OF THE ATM TRANSACTION OR DISPLAYED ON THE ATM SCREEN.