

HOUSE BILL No. 5243

October 16, 2001, Introduced by Rep. Stallworth 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 electronic device situated in Michigan,
3 other than a telephone, facsimile machine, or personal computer
4 operated by a consumer, through which a consumer initiates an
5 electronic fund transfer. The term does not include a
6 point-of-sale terminal used exclusively to pay for a purchase of
7 goods or services by transferring funds electronically from a
8 consumer's credit card arrangement or deposit account at a finan-
9 cial institution to the terminal provider's account at a
10 financial institution, or a device located on the premises of a
11 customer of a financial institution that is used to execute

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1 transactions only between that customer and the financial
2 institution.

3 (b) "Consumer" means an individual.

4 (c) "Credit card" means a card or device issued under a
5 credit card arrangement that 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 or an affiliate or
18 subsidiary thereof.

19 (g) "Person" means an individual, corporation, association,
20 partnership, governmental entity, or any other legal entity.

21 (h) "Provider" means a person that owns, operates, or leases
22 an ATM.

23 Sec. 2. A provider shall not assess or impose a fee or
24 charge against a consumer greater than \$1.50 for an electronic
25 fund transfer.

1 Sec. 3. This act does not limit or prohibit the assessing
2 or imposing of a fee or charge by a financial institution for an
3 electronic fund transfer using a provider's ATM.

4 Sec. 4. For each transaction involving an ATM, the person
5 using the ATM shall be given the option of receiving information
6 indicating the nature and amounts involved in the transaction and
7 the resulting balances of the accounts affected by the
8 transaction. The person shall also be given the option of
9 receiving the information either on a printed statement provided
10 at the end of the ATM transaction or displayed on the ATM
11 screen.

12 Sec. 5. (1) A person who violates this act is guilty of a
13 misdemeanor punishable by a fine of not more than \$1,000.00 or by
14 imprisonment for not more than 90 days, or both.

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