



2001 ASSEMBLY BILL 128

February 15, 2001 - Introduced by Representatives J. LEHMAN, BLACK, YOUNG, COLON, POCAN, CULLEN, MILLER, WILLIAMS, BERCEAU, MORRIS-TATUM and BOYLE, cosponsored by Senators HANSEN and ROBSON. Referred to Committee on Financial Institutions.

1 **AN ACT to amend** 186.113 (15) (a), 214.04 (21) (b), 215.13 (46) (a) 1. and 221.0303
2 (2) of the statutes; **relating to:** automatic teller machine fees and requiring the
3 exercise of rule making-authority.

Analysis by the Legislative Reference Bureau

Under current law, banks, credit unions, savings banks, and savings and loan associations (financial institutions) are authorized to operate customer bank communications terminals, remote service units, or remote terminals, commonly referred to as automatic teller machines (ATMs). Financial institutions are required to make their ATMs available for use, on a nondiscriminatory basis, upon request by another financial institution or by customers designated by a financial institution using the terminal, subject to joint rules established by the division of savings and loan, the division of banking, and the office of credit unions in the department of financial institutions.

This bill requires these joint rules to prohibit a state, national, or federal financial institution from charging a person a fee for a transaction using an ATM, unless the transaction relates to or affects an account held by that person with that financial institution.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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1 **SECTION 1.** 186.113 (15) (a) of the statutes is amended to read:

2 186.113 (15) (a) Directly or indirectly, acquire, place, and operate, or
3 participate in the acquisition, placement, and operation of, at locations other than
4 its offices, remote terminals, in accordance with rules established by the office of
5 credit unions. The rules shall provide that any remote terminal shall be available
6 for use, on a nondiscriminatory basis, by any state or federal credit union ~~which~~ that
7 has its principal place of business in this state, by any other credit union obtaining
8 the consent of a state or federal credit union ~~which~~ that has its principal place of
9 business in this state and is using the terminal and by all members designated by
10 a credit union using the terminal. ~~This subsection~~ paragraph does not authorize a
11 credit union ~~which~~ that has its principal place of business outside the state to conduct
12 business as a credit union in this state. The remote terminals also shall be available
13 for use, on a nondiscriminatory basis, by any state or national bank, state or federal
14 savings bank, or state or federal savings and loan association, whose home office is
15 located in this state, if the bank, savings bank, or savings and loan association
16 requests to share its use, subject to the joint rules established under s. 221.0303 (2).
17 The joint rules under s. 221.0303 (2) shall prohibit a state or federal credit union from
18 imposing a charge on a person for making a transaction at a remote terminal, unless
19 the transaction relates to an account owned by the person and held by the state or
20 federal credit union imposing the charge. The office of credit unions by order may
21 authorize the installation and operation of a remote terminal in a mobile facility,
22 after notice and hearing upon the proposed service stops of the mobile facility.

23 **SECTION 2.** 214.04 (21) (b) of the statutes is amended to read:

24 214.04 (21) (b) The rules of the division shall provide that any remote service
25 unit shall be available for use, on a nondiscriminatory basis, by any state or federal

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1 savings bank ~~which~~ that has its principal place of business in this state, by any other
2 state or federal savings bank obtaining the consent of a state or federal savings bank
3 that has its principal place of business in this state and is using the terminal and by
4 all customers designated by a savings bank using the unit. This paragraph does not
5 authorize a savings bank ~~which~~ that has its principal place of business outside this
6 state to conduct business as a savings bank in this state. A remote service unit shall
7 be available for use, on a nondiscriminatory basis, by any credit union, state or
8 national bank, or state or federal savings and loan association, whose home office is
9 located in this state, if the credit union, bank, or savings and loan association
10 requests to share its use, subject to joint rules established ~~by the division of banking,~~
11 ~~the office of credit unions and the division~~ under s. 221.0303 (2). The joint rules
12 under s. 221.0303 (2) shall prohibit a state or federal savings bank from imposing a
13 charge on a person for making a transaction at a remote service unit, unless the
14 transaction relates to an account owned by the person and held by the state or federal
15 savings bank imposing the charge. The division by order may authorize the
16 installation and operation of a remote service unit in a mobile facility, after notice
17 and hearing upon the proposed service stops of the mobile facility.

18 **SECTION 3.** 215.13 (46) (a) 1. of the statutes is amended to read:

19 215.13 **(46)** (a) 1. Directly or indirectly, acquire, place, and operate, or
20 participate in the acquisition, placement, and operation of, at locations other than
21 its home or branch offices, remote service units, in accordance with rules established
22 by the division. Remote service units established in accordance with such rules are
23 not subject to sub. (36), (39), (40), or (47) or s. 215.03 (8). The rules of the division
24 shall provide that any such remote service unit shall be available for use, on a
25 nondiscriminatory basis, by any state or federal savings and loan association ~~which~~

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1 that has its principal place of business in this state, by any other savings and loan
2 association obtaining the consent of a state or federal savings and loan association
3 ~~which~~ that has its principal place of business in this state and is using the terminal
4 and by all customers designated by a savings and loan association using the unit.
5 This ~~paragraph~~ subdivision does not authorize a savings and loan association ~~which~~
6 that has its principal place of business outside this state to conduct business as a
7 savings and loan association in this state. The remote service units also shall be
8 available for use, on a nondiscriminatory basis, by any credit union, state or national
9 bank, or state or federal savings bank, whose home office is located in this state, if
10 the credit union, bank, or savings bank requests to share its use, subject to the joint
11 rules established under s. 221.0303 (2). The joint rules under s. 221.0303 (2) shall
12 prohibit a state or federal savings and loan association from imposing a charge on
13 a person for making a transaction at a remote service unit, unless the transaction
14 relates to an account owned by the person and held by the state or federal savings
15 and loan association imposing the charge. The division by order may authorize the
16 installation and operation of a remote service unit in a mobile facility, after notice
17 and hearing upon the proposed service stops of the mobile facility.

18 **SECTION 4.** 221.0303 (2) of the statutes is amended to read:

19 **221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS**
20 **TERMINALS.** A bank may, directly or indirectly, acquire, place, and operate, or
21 participate in the acquisition, placement, and operation of, at locations other than
22 its main or branch offices, customer bank communications terminals, in accordance
23 with rules established by the division. The rules of the division shall provide that
24 any such customer bank communications terminal shall be available for use, on a
25 nondiscriminatory basis, by any state or national bank and by all customers

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1 designated by a bank using the terminal. This subsection does not authorize a bank
2 ~~which~~ that has its principal place of business outside this state to conduct banking
3 business in this state. The customer bank communications terminals also shall be
4 available for use, on a nondiscriminatory basis, by any credit union, savings and loan
5 association, or savings bank, if the credit union, savings and loan association, or
6 savings bank requests to share its use, subject to rules jointly established by the
7 division of banking, the office of credit unions, and the division of savings
8 institutions. The joint rules shall prohibit a state or national bank from imposing
9 a charge on a person for making a transaction at a customer bank communications
10 terminal, unless the transaction relates to an account owned by the person and held
11 by the state or national bank imposing the charge. The division by order may
12 authorize the installation and operation of a customer bank communications
13 terminal in a mobile facility, after notice and hearing upon the proposed service stops
14 of the mobile facility.

SECTION 5. Effective date.

16 (1) This act takes effect on the first day of the 7th month beginning after
17 publication.

18 (END)