

Chapter S-L 12

REMOTE SERVICE UNITS

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S-L 12.01 Joint rule. This chapter is promulgated as a joint rule by the office of the commissioner of savings and loan and the office of the commissioner of banking in accordance with s. 215.13 (46) (a) 1., Stats.

History: Cr. Register, June, 1989, No. 402, eff. 7-1-89.

S-L 12.02 Definitions. In this chapter:

(1) "Commissioner" means the commissioner of savings and loan or his or her authorized representative.

(2) "Days" mean calendar days computed under s. 990.001 (4), Stats.

(3) "Financial institution" means a state or federal savings and loan association, a state or national bank, a state or federal credit union or a mutual savings bank.

(4) "Remote service unit" means a remote service unit as defined in s. 215.13 (46) (a), Stats., or a remote terminal as defined in s. 186.113 (15) (b), Stats., or a customer bank communications terminal as defined in s. 221.04 (1) (k), Stats.

(5) "Supplier" means any person furnishing equipment, goods or services used to complete any function performed through a given remote service unit.

History: Cr. Register, June, 1989, No. 402, eff. 7-1-89.

S-L 12.03 Advance notice and approval required.

Each association proposing to engage in an activity authorized under s. 215.13 (46), Stats., or proposing to change the place or manner in which it engages in such an activity shall file with the commissioner an application containing such information as the commissioner may from time to time prescribe. No association may commence any such activity unless the place and manner in which the activity is conducted has been approved by the commissioner in writing or the commissioner does not take written objection to the association's completed application within 30 days after it has been filed under this section. If the commissioner regularly receives information on additions, deletions or changes in locations of remote service units from a supplier, an association is excused from filing an application merely to add, delete or change the place at which it offers the services. An association may not commence or continue to engage in any activity authorized under s. 215.13 (46), Stats., if, in the opinion of the commissioner, the activity is beyond the financial or management capabilities of the association, would result in unfair competition among financial institutions, or is otherwise in violation of this chapter.

History: Cr. Register, June, 1989, No. 402, eff. 7-1-89.

S-L 12.04 Restrictions on access prohibited. (1)

GENERAL PROVISIONS. Except as provided in sub. (2), no association may directly or indirectly acquire, place or operate a remote service unit, and no association may participate in the acquisition, placement or operation of a remote service unit, unless the unit is available on a nondiscriminatory basis to the following financial institutions and their designated customers:

(a) Any financial institution that has its home office in this state;

(b) Any other association which is qualified to do business in this state and has obtained the written consent of a savings and loan association that has its home office in this state and is making use of the unit; and

(c) Any other bank which is qualified to do business in this state and has obtained the written approval of a bank that has its home office in this state and is making use of the unit; and

(d) Any other credit union which is qualified to do business in this state and has obtained the written consent of a credit union that has its home office in this state and is making use of the unit.

(2) **EXCEPTIONS.** The temporary limitation of access to a remote service unit to designated customers of designated financial institutions for reasonable test periods determined by the commissioner will not be deemed in violation of this section if approved by the commissioner in writing. The commissioner may approve such limitations if:

(a) The commissioner considers it necessary or desirable to permit restricted operation during periods of testing or experimentation; or

(b) The commissioner determines that the accommodation of additional users is beyond the capacity of existing equipment and a good faith effort is being made to accommodate them within a reasonable period of time determined by the commissioner.

History: Cr. Register, June, 1989, No. 402, eff. 7-1-89.

S-L 12.05 Discriminatory rates or services prohibited. A remote service unit will not be deemed available for use on a nondiscriminatory basis unless:

(1) **USER FEES.** The fees charged to a financial institution for the use of the unit by the institution or its customers are equitably apportioned and reasonably reflect the costs of the services actually provided to the institution or customer. Such fees may provide for the amortization of development costs and capital expenditures over a reasonable period of time.

(2) **CUSTOMER SERVICES.** Each financial institution making use of the unit may permit its customers to make use of all of the functions performed by the unit at each location of the unit or only those functions and locations that such institution elects to make available to its customers.

(3) **TECHNICAL INFORMATION AND SPECIFICATIONS.** Each supplier provides at reasonable cost such technical information and specifications as may be necessary to enable a financial institution that is eligible to use the unit, or any data processor serving the accounts of such an institution, to obtain interface with the unit.

(4) **OTHER REQUIREMENTS.** No financial institution eligible to use the unit is required to purchase from any supplier any goods, equipment or services not reasonably necessary to complete a transaction through the unit.

History: Cr. Register, June, 1989, No. 402, eff. 7-1-89.

S-L 12.06 Confidentiality and security requirements. No association may directly or indirectly acquire, place or operate a remote service unit, and no association may participate in the ac-

quisition, placement or operation of a remote service unit, unless precautions acceptable to the commissioner are provided to:

(1) **PRECAUTIONS AGAINST UNAUTHORIZED ACCESS.** Prevent unauthorized access to, or use of, the unit.

(2) **PRECAUTIONS TO ASSURE CONFIDENTIALITY.** Prevent information regarding a transaction conducted through the unit from being disclosed to any person other than:

(a) The customer making the transaction;

(b) Any other person who is a party to the transaction or is necessary to effect the transaction, but only to the extent that the information disclosed is necessary to effect the transaction; or

(c) Those persons lawfully authorized to have access to the records of the association or of parties to the transaction.

(3) **UNSOLICITED ACCESS TO REMOTE SERVICE UNITS PROHIBITED.** Ensure that the plastic card or other means providing its customers access to the unit is issued only:

(a) In response to a request or application therefor; or

(b) As a renewal of, or in substitution for, an accepted card or other means of access, whether issued by the initial issuer or a successor.

History: Cr. Register, June, 1989, No. 402, eff. 7-1-89.

S-L 12.07 Allocation of liability. (1) **BETWEEN ASSOCIATION AND THIRD PARTIES.** Each activity authorized under s. 215.13 (46), Stats., shall be conducted in accordance with a written agreement between the association and any participating merchant, service center, data processor or other third party, setting out the manner in which liability from errors, malfunctions or the unauthorized use of a remote service unit will be allocated between the parties.

(2) **LIMITED CUSTOMER LIABILITY FOR UNAUTHORIZED USE.** (a) The liability of a customer of an association for the unauthorized use of a plastic card or other means providing the customer access to a remote service unit may not exceed the lesser of the following:

1. \$50.

2. The amount of any money, property or services obtained by its unauthorized use prior to the time the association is notified of, or otherwise becomes aware of, circumstances which lead to the belief that unauthorized access to the customer's account may be obtained. Notice is sufficient when the customer takes such steps as may reasonably be required in the ordinary course of business to provide the association with the pertinent information.

(b) A customer furnishing another person with the plastic card or other means providing access to the customer's account through a remote service unit shall be deemed to authorize all transactions that may be accomplished by that means until the customer has given actual notice to the association that further transactions are unauthorized.

History: Cr. Register, June, 1989, No. 402, eff. 7-1-89.

S-L 12.08 Customer service and disclosure requirements. (1) **PERIODIC STATEMENTS.** An association shall provide each customer with a periodic statement of each account of the customer that is accessible through a remote service unit. The statement shall be provided on a monthly basis for each month in which a transaction occurs, or once every 3 months, whichever is more frequent. The statement shall identify the date, location and nature of each transaction. An account statement issued under this subsection may include transactions made through a remote service unit or otherwise.

(2) **TRANSACTION DOCUMENTATION.** Every transfer of funds made through a remote service unit by a customer of an association shall be evidenced by a written document made available to the customer at the time of the transaction. The document shall indicate with reasonable specificity the identity of any third party to whom funds are electronically transferred, the identity of the cus-

tomers account, the amount of funds transferred, the type of transaction and the date of the transaction. A customer may be required to reenter an access device, such as a card, at a terminal in order to receive transaction documentation if all the following conditions are met:

(a) The terminal simultaneously controls distribution of products at several locations on the same site to more than one customer;

(b) Each customer must remove the access device from the terminal and move to another location in order to complete the transaction; and

(c) The terminal cannot produce transaction documentation for a particular transaction until the customer completes distribution of the product and the amount of the transaction is known.

(3) **WRITTEN DISCLOSURE OF SERVICES AND CHARGES.** Each customer of an association whose account with the association is accessible through a remote service unit shall be provided with a written statement of the terms and conditions governing the account. Such a statement shall be provided at the time that the customer is issued a card or other means affording access through the remote service unit, and whenever the terms and conditions governing the account are amended. The statement shall set out:

(a) Applicable limitations on the customer's liability for unauthorized use of the means providing access through the remote service unit, and the address and telephone number of the person to be notified in the event that the means affording the customer access through the remote service unit is lost or stolen or the customer otherwise believes that unauthorized access to the account may be obtained.

(b) The customer's right to a periodic statement of transactions affecting the account.

(c) An initial disclosure of the specific transactions which, subject to the capabilities of individual terminals, may be performed through the remote service unit.

(d) Any charges to the customer for account maintenance or for the use of the remote service unit.

(e) Any limitation imposed on the number of remote service unit transactions permitted within any given period of time.

History: Cr. Register, June, 1989, No. 402, eff. 7-1-89.

S-L 12.09 Charge backs. When any sale of goods or services is paid directly through a remote service unit and involves an aggregate transfer of funds of \$50 or more from an account of a customer in an association to the account of another person but does not involve a check or draft, the association shall reverse the transaction and recredit the customer's account upon receipt of oral or written notice by the customer within 3 business days after the date of the sale. "Business day" means the part of any day on which an association is open for carrying on substantially all of its business functions.

History: Cr. Register, June, 1989, No. 402, eff. 7-1-89.

S-L 12.10 Advertising restrictions. No advertising with regard to a remote service unit used by an association or its customers may suggest exclusive ownership or control of the unit by any financial institution. If use of a unit is restricted under s. S-L 12.04 (2) to designated financial institutions all advertisements regarding the unit shall clearly state that use of the unit will be available to customers of other financial institutions at the end of the period of restricted use authorized by the commissioner.

History: Cr. Register, June, 1989, No. 402, eff. 7-1-89.

S-L 12.11 Filing of supplemental information. Each association engaging in an activity authorized under s. 215.13 (46), Stats., shall file with the commissioner such additional information regarding its activity as the commissioner may from time to time require.

History: Cr. Register, June, 1989, No. 402, eff. 7-1-89.