



## 1997 ASSEMBLY BILL 781

February 11, 1998 - Introduced by Representatives J. LEHMAN, NOTESTEIN, BOCK, VANDER LOOP and KREUSER, cosponsored by Senator CLAUSING. 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:** bank charges for transactions at automatic  
3 teller machines.

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### *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 financial institution that is an owner or operator of an ATM from charging a person a fee for a transaction using that ATM, unless one of the following conditions is met: 1) the transaction relates to or affects an account held by that person with that financial institution; or 2) the financial institution charges the same fee to all persons using the ATM, regardless of whether they maintain an account at the financial institution.

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

**ASSEMBLY BILL 781****SECTION 1**

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

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

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1           214.04 (21) (b) The rules of the division shall provide that any remote service  
2           unit shall be available for use, on a nondiscriminatory basis, by any state or federal  
3           savings bank which has its principal place of business in this state, by any other state  
4           or federal savings bank obtaining the consent of a state or federal savings bank that  
5           has its principal place of business in this state and is using the terminal and by all  
6           customers designated by a savings bank using the unit. This paragraph does not  
7           authorize a savings bank which has its principal place of business outside this state  
8           to conduct business as a savings bank in this state. A remote service unit shall be  
9           available for use, on a nondiscriminatory basis, by any credit union, state or national  
10          bank or state or federal savings and loan association, whose home office is located  
11          in this state, if the credit union, bank or savings and loan association requests to  
12          share its use, subject to joint rules established by ~~the division of banking, the office~~  
13          ~~of credit unions and the division~~ under s. 221.0303 (2). The joint rules under s.  
14          221.0303 (2) shall prohibit a savings bank from imposing a charge on a person for  
15          making a transaction at a remote service unit, unless the savings bank charges the  
16          same fee to all persons using the remote service unit, regardless of whether the  
17          person maintains an account at the savings bank, or unless the transaction relates  
18          to or affects an account held by the person with the savings bank. The division by  
19          order may authorize the installation and operation of a remote service unit in a  
20          mobile facility, after notice and hearing upon the proposed service stops of the mobile  
21          facility.

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

23           215.13 (46) (a) 1. Directly or indirectly, acquire, place and operate, or  
24          participate in the acquisition, placement and operation of, at locations other than its  
25          home or branch offices, remote service units, in accordance with rules established by

**ASSEMBLY BILL 781****SECTION 3**

1 the division. Remote service units established in accordance with such rules are not  
2 subject to sub. (36), (39), (40) or (47) or s. 215.03 (8). The rules of the division shall  
3 provide that any such remote service unit shall be available for use, on a  
4 nondiscriminatory basis, by any state or federal savings and loan association which  
5 has its principal place of business in this state, by any other savings and loan  
6 association obtaining the consent of a state or federal savings and loan association  
7 which has its principal place of business in this state and is using the terminal and  
8 by all customers designated by a savings and loan association using the unit. This  
9 paragraph does not authorize a savings and loan association which has its principal  
10 place of business outside this state to conduct business as a savings and loan  
11 association in this state. The remote service units also shall be available for use, on  
12 a nondiscriminatory basis, by any credit union, state or national bank or state or  
13 federal savings bank, whose home office is located in this state, if the credit union,  
14 bank or savings bank requests to share its use, subject to the joint rules established  
15 under s. 221.0303 (2). The joint rules under s. 221.0303 (2) shall prohibit a savings  
16 and loan association from imposing a charge on a person for making a transaction  
17 at a remote service unit, unless the savings and loan association charges the same  
18 fee to all persons using the remote service unit, regardless of whether the person  
19 maintains an account at the savings and loan association, or unless the transaction  
20 relates to or affects an account held by the person with the savings and loan  
21 association. The division by order may authorize the installation and operation of  
22 a remote service unit in a mobile facility, after notice and hearing upon the proposed  
23 service stops of the mobile facility.

24 **SECTION 4.** 221.0303 (2) of the statutes, as affected by 1997 Wisconsin Act 27,  
25 is amended to read:

