

## 1999 ASSEMBLY BILL 131

February 16, 1999 – Introduced by Representatives J. LEHMAN, PLOUFF, POCAN, CULLEN, BOCK, MILLER, BLACK, BERCEAU and YOUNG, cosponsored by Senators RISSER, ROBSON, ERPENBACH and GEORGE. 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 the transaction relates to or affects an account held by that person with that financial institution.

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

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

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1           186.113 (15) (a) Directly or indirectly, acquire, place and operate, or participate  
2 in the acquisition, placement and operation of, at locations other than its offices,  
3 remote terminals, in accordance with rules established by the office of credit unions.  
4 The rules shall provide that any remote terminal shall be available for use, on a  
5 nondiscriminatory basis, by any state or federal credit union which has its principal  
6 place of business in this state, by any other credit union obtaining the consent of a  
7 state or federal credit union which has its principal place of business in this state and  
8 is using the terminal and by all members designated by a credit union using the  
9 terminal. This subsection does not authorize a credit union which has its principal  
10 place of business outside the state to conduct business as a credit union in this state.  
11 The remote terminals also shall be available for use, on a nondiscriminatory basis,  
12 by any state or national bank, state or federal savings bank or state or federal savings  
13 and loan association, whose home office is located in this state, if the bank, savings  
14 bank or savings and loan association requests to share its use, subject to the joint  
15 rules established under s. 221.0303 (2). The joint rules under s. 221.0303 (2) shall  
16 prohibit a credit union that owns or operates a remote terminal from charging a  
17 person a fee for a transaction using that remote terminal, unless the transaction  
18 relates to or affects an account held by that person with that credit union. The office  
19 of credit unions by order may authorize the installation and operation of a remote  
20 terminal in a mobile facility, after notice and hearing upon the proposed service stops  
21 of the mobile facility.

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

23           214.04 (21) (b) The rules of the division shall provide that any remote service  
24 unit shall be available for use, on a nondiscriminatory basis, by any state or federal  
25 savings bank which has its principal place of business in this state, by any other state

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

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

18 215.13 **(46)** (a) 1. Directly or indirectly, acquire, place and operate, or  
19 participate in the acquisition, placement and operation of, at locations other than its  
20 home or branch offices, remote service units, in accordance with rules established by  
21 the division. Remote service units established in accordance with such rules are not  
22 subject to sub. (36), (39), (40) or (47) or s. 215.03 (8). The rules of the division shall  
23 provide that any such remote service unit shall be available for use, on a  
24 nondiscriminatory basis, by any state or federal savings and loan association which  
25 has its principal place of business in this state, by any other savings and loan

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

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

18 **221.0303 (2)** OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS  
19 TERMINALS. A bank may, directly or indirectly, acquire, place and operate, or  
20 participate in the acquisition, placement and operation of, at locations other than its  
21 main or branch offices, customer bank communications terminals, in accordance  
22 with rules established by the division. The rules of the division shall provide that  
23 any such customer bank communications terminal shall be available for use, on a  
24 nondiscriminatory basis, by any state or national bank and by all customers  
25 designated by a bank using the terminal. This subsection does not authorize a bank

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1 which has its principal place of business outside this state to conduct banking  
2 business in this state. The customer bank communications terminals also shall be  
3 available for use, on a nondiscriminatory basis, by any credit union, savings and loan  
4 association or savings bank, if the credit union, savings and loan association or  
5 savings bank requests to share its use, subject to rules jointly established by the  
6 division of banking, the office of credit unions and the division of savings and loan.  
7 The joint rules shall prohibit a bank that owns or operates a customer bank  
8 communications terminal from charging a person a fee for a transaction using that  
9 customer bank communications terminal, unless the transaction relates to or affects  
10 an account held by that person with that bank. The division by order may authorize  
11 the installation and operation of a customer bank communications terminal in a  
12 mobile facility, after notice and hearing upon the proposed service stops of the mobile  
13 facility.

14 **SECTION 5. Effective date.**

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

17 (END)