

1999 DRAFTING REQUEST

Bill

Received: 12/9/98

Received By: hubliks

Wanted: As time permits

Identical to LRB:

For: John Lehman (608) 266-0634

By/Representing: Mike

This file may be shown to any legislator: NO

Drafter: hubliks

May Contact:

Alt. Drafters:

Subject: Fin. Inst. - banking inst.

Extra Copies:

Topic:

ATM Surcharges

Instructions:

Redraft -97-4886/1 or AB-894 (requester says that the 2 should be identical)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	hubliks 12/9/98	ptellez 12/10/98		_____			
/1			martykr 12/11/98	_____	lrb_docadmin 12/11/98	lrb_docadmin 12/18/98	

FE Sent For:

<END>

Not Needed

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Drafter: **hubliks**

May Contact:

Alt. Drafters:

Subject: **Fin. Inst. - banking inst.**

Extra Copies: **Rob Marchant**

Topic:

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Instructions:

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	hubliks	1/1 pjt 12/9/98	<i>Km</i> 12/10	<i>Jf</i> 12/10			
		1/1 jlg 12/10		<i>Km</i> 12/11			

FE Sent For:

<END>

1997 BILL

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.

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.

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:

BILL

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, as affected by 1997 Wisconsin Act 27,
18 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 its
22 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

BILL

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

BILL

SECTION 1

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

BILL

1 designated by a bank using the terminal. This subsection does not authorize a bank
2 which 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 and loan.
8 The joint rules shall prohibit a bank that owns or operates a customer bank
9 communications terminal from charging a person a fee for a transaction using that
10 customer bank communications terminal, unless the transaction relates to or affects
11 an account held by that person with that bank. The division by order may authorize
12 the installation and operation of a customer bank communications terminal in a
13 mobile facility, after notice and hearing upon the proposed service stops of the mobile
14 facility.

SECTION 5. Effective date.

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

18 (END)

-1190/1

1997 ASSEMBLY BILL 894

Soon

D-NOTE

March 10, 1998 - Introduced by Representatives NOTESTEIN, J. LEHMAN, BLACK, RYBA, BOYLE, SCHNEIDER, BOCK, L. YOUNG, BALDWIN, MORRIS-TATUM, CULLEN, COGGS and KREUSER, cosponsored by Senators RISSER and BURKE. Referred to Committee on Financial Institutions.

23

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.

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.

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

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

proof w/
STATS.
4

ASSEMBLY BILL 894

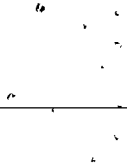
SECTION 1

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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ASSEMBLY BILL 894

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

Proof w/ stats.

ASSEMBLY BILL 894

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, as affected by 1997 Wisconsin Act 27,

18 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 its
 22 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

Proof w/ stats.

ASSEMBLY BILL 894

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1 designated by a bank using the terminal. This subsection does not authorize a bank
 2 which 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 and loan.
 8 The joint rules shall prohibit a bank that owns or operates a customer bank
 9 communications terminal from charging a person a fee for a transaction using that
 10 customer bank communications terminal, unless the transaction relates to or affects
 11 an account held by that person with that bank. The division by order may authorize
 12 the installation and operation of a customer bank communications terminal in a
 13 mobile facility, after notice and hearing upon the proposed service stops of the mobile
 14 facility.

SECTION 5. Effective date.

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

(END)

D-NOTE:

- 1190/1aw
KSH: pgt:
+ jlg

This draft is identical to 1999 Assembly Bill 894. Please do not hesitate to contact ^{me} ~~me~~ if you have any questions about the draft or if any part of it is inconsistent with your intent.

~~KSH~~ K. Scott Hubli
Legislative Attorney
266-0135

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1190/1dn
KSH:pgt&jlg:km

December 10, 1998

This draft is identical to 1999 Assembly Bill 894. Please do not hesitate to contact me if you have any questions about the draft or if any part of it is inconsistent with your intent.

K. Scott Hubli
Legislative Attorney
266-0135

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 12/11/98

To: Representative J. Lehman

Relating to LRB drafting number: LRB-1190

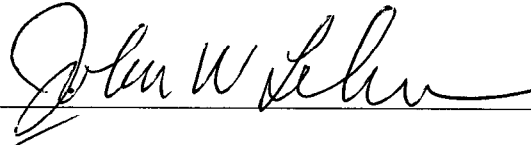
Topic

ATM Surcharges

Subject(s)

Fin. Inst. - banking inst.

1. **JACKET** the draft for introduction



in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

• K. Scott Hubli, Administrative Services Manager
Telephone: (608) 266-0135