

1999 SENATE BILL 325

January 12, 2000 – Introduced by Senator ROBSON, cosponsored by Representatives J. LEHMAN, BLACK, COGGS, HASENOHRL and POCAN. Referred to Privacy, Electronic Commerce and 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. Federal law may preempt these rules with regard to national and federal financial institutions.

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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:

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 state or federal credit union from imposing a charge on a person for making
18 a transaction at a remote terminal, unless the transaction relates to an account
19 owned by the person and held by the state or federal credit union imposing the
20 charge. The office of credit unions by order may authorize the installation and

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1 operation of a remote terminal in a mobile facility, after notice and hearing upon the
2 proposed service stops of the mobile facility.

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

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

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

24 215.13 **(46)** (a) 1. Directly or indirectly, acquire, place and operate, or
25 participate in the acquisition, placement and operation of, at locations other than its

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

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

24 221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS
25 TERMINALS. A bank may, directly or indirectly, acquire, place and operate, or

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

SECTION 5. Effective date.

20
21 (1) This act takes effect on the first day of the 6th month beginning after
22 publication.

23 (END)