

**SENATE SUBSTITUTE AMENDMENT 2,
TO 1999 SENATE BILL 325**

February 8, 2000 – Offered by Senators LAZICH, DARLING, DRZEWIECKI, RUDE,
FARROW, PANZER, HUELSMAN and ZIEN.

1 **AN ACT** *to repeal* 186.113 (15) (b), 214.01 (1) (sm), 215.13 (46) (a) 2. and 221.0303
2 (1); *to amend* 186.11 (4) (b) 1., 186.113 (1), 186.113 (15) (a), 186.113 (15) (c) to
3 (e), 214.01 (1) (d), 214.01 (1) (q), 214.04 (21), 214.49 (9m), 215.13 (26) (em),
4 215.13 (46) (a) 1., 215.13 (46) (a) 3. to 5., 215.26 (5), 221.0303 (2), 221.0303 (3)
5 and (4), chapter 224 (title) and subchapter II (title) of chapter 224 [precedes
6 224.25]; *to repeal and recreate* 215.13 (46) (title) and 221.0303 (title); and *to*
7 *create* 186.01 (1m), 214.01 (1) (am), 215.01 (1m), 221.0102 (2m) and 224.55 of
8 the statutes; **relating to:** automated teller machine fees.

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

9 **SECTION 1.** 186.01 (1m) of the statutes is created to read:
10 186.01 (1m) “Automated teller machine” has the meaning given in s. 224.55
11 (1) (a).

12 **SECTION 2.** 186.11 (4) (b) 1. of the statutes is amended to read:

1 186.11 (4) (b) 1. Credit union operations services, including service centers,
2 credit and debit card services, automated teller ~~and remote terminal~~ machine
3 services, accounting systems, data processing, management training and support,
4 payment item processing, record retention and storage, locator services, research,
5 debt collection, credit analysis and loan servicing, coin and currency services and
6 marketing and advertising services.

7 **SECTION 3.** 186.113 (1) of the statutes is amended to read:

8 186.113 (1) BRANCH OFFICES. If the need and necessity exist and with the
9 approval of the office of credit unions, establish branch offices inside this state or no
10 more than 25 miles outside of this state. Permanent records may be maintained at
11 branch offices established under this subsection. In this subsection, the term
12 “branch office” does not include ~~a remote terminal~~ an automated teller machine, a
13 limited services office or a service center.

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

15 186.113 (15) (a) Directly In accordance with rules established by the office of
16 credit unions, directly or indirectly, acquire, place and operate, or participate in the
17 acquisition, placement and operation of, at locations other than its offices, ~~remote~~
18 ~~terminals, in accordance with rules established by the office of credit unions~~
19 automated teller machines. The rules shall provide that any ~~remote terminal~~
20 automated teller machine shall be available for use, on a nondiscriminatory basis,
21 by any state or federal credit union which has its principal place of business in this
22 state, by any other credit union obtaining the consent of a state or federal credit
23 union which has its principal place of business in this state and is using the ~~terminal~~
24 automated teller machine and by all members designated by a credit union using the
25 ~~terminal~~ automated teller machine. This subsection does not authorize a credit

1 union which has its principal place of business outside the state to conduct business
2 as a credit union in this state. The ~~remote terminals~~ automated teller machines also
3 shall be available for use, on a nondiscriminatory basis, by any state or national
4 bank, state or federal savings bank or state or federal savings and loan association,
5 whose home office is located in this state, if the bank, savings bank or savings and
6 loan association requests to share its use, subject to the joint rules established under
7 s. 221.0303 (2). The office of credit unions by order may authorize the installation
8 and operation of a ~~remote terminal~~ an automated teller machine in a mobile facility,
9 after notice and hearing upon the proposed service stops of the mobile facility.

10 **SECTION 5.** 186.113 (15) (b) of the statutes is repealed.

11 **SECTION 6.** 186.113 (15) (c) to (e) of the statutes are amended to read:

12 186.113 (15) (c) If any person primarily engaged in the retail sale of goods or
13 services owns or operates a ~~remote terminal~~ an automated teller machine on such
14 person's premises and allows access to the ~~unit~~ automated teller machine by any
15 financial institution, group of financial institutions or their customers, nothing in
16 this subsection or in rules established by the office of credit unions shall, or shall be
17 construed or interpreted to, require such person to accept any connection to or use
18 of the ~~unit~~ automated teller machine on its premises for any other purpose or
19 function or to accept any connection to the ~~unit~~ automated teller machine on its
20 premises by any other financial institution.

21 (d) If a person primarily engaged in the retail sale of goods or services owns or
22 operates a ~~remote terminal~~ an automated teller machine on such person's premises
23 and allows access to the ~~unit~~ automated teller machine by any financial institution,
24 group of financial institutions or their customers for any purpose or function, no laws
25 governing such institutions or rules established by the office of credit unions shall

1 apply to such person ~~other than~~ except as provided in s. 224.55 and except for those
2 laws or rules that are directly related to the particular function performed by the ~~unit~~
3 automated teller machine on such person's premises for a financial institution.

4 (e) Information transmitted from ~~a remote terminal, either~~ an automated teller
5 machine, identified as to either particular transactions or aggregate information,
6 shall only be used for purposes of effecting the financial transactions for which such
7 information was received, for any other purpose lawfully authorized by contract, or
8 for any other purpose permitted by statute and rules pertaining to the dissemination
9 and disclosure of such information.

10 **SECTION 7.** 214.01 (1) (am) of the statutes is created to read:

11 214.01 (1) (am) "Automated teller machine" has the meaning given in s. 224.55
12 (1) (a).

13 **SECTION 8.** 214.01 (1) (d) of the statutes is amended to read:

14 214.01 (1) (d) "Branch office" means a place of business, other than the home
15 office, where the business of the savings bank is conducted. "Branch office" does not
16 include ~~a remote service unit~~ an automated teller machine, a limited office or an
17 extended office.

18 **SECTION 9.** 214.01 (1) (q) of the statutes is amended to read:

19 214.01 (1) (q) "Limited office" means a place of business at which a savings
20 bank provides lending and other services, but at which a savings bank may not
21 accept deposits except through ~~a remote service unit~~ an automated teller machine.

22 **SECTION 10.** 214.01 (1) (sm) of the statutes is repealed.

23 **SECTION 11.** 214.04 (21) of the statutes is amended to read:

24 214.04 (21) (a) ~~Directly~~ In accordance with rules established by the division,
25 directly or indirectly, to acquire, place and operate, or participate in the acquisition,

1 placement and operation of, at locations other than its home office and branch offices,
2 ~~remote service units, in accordance with rules established by the division~~ automated
3 teller machines.

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

21 (c) If any person primarily engaged in the retail sale of goods or services owns
22 or operates a ~~remote service unit~~ an automated teller machine on such person's
23 premises and allows access to the ~~unit~~ automated teller machine by any financial
24 institution, group of financial institutions or their customers, nothing in this
25 paragraph or in rules established by the division shall require such person to accept

1 any connection to or use of the ~~unit~~ automated teller machine on its premises for any
2 other purpose or function or to accept any connection to the ~~unit~~ automated teller
3 machine on its premises by any other financial institution.

4 (d) If a person primarily engaged in the retail sale of goods or services owns or
5 operates a ~~remote service unit~~ an automated teller machine on such person's
6 premises and allows access to the ~~unit~~ automated teller machine by any financial
7 institution, group of financial institutions or their customers for any purpose or
8 function, laws governing such institutions or rules established by the division shall
9 not apply to such person ~~other than~~ except as provided in s. 224.55 and except for
10 those laws or rules that are directly related to the particular function performed by
11 the ~~unit~~ automated teller machine on such person's premises for a financial
12 institution.

13 (e) Information transmitted from a ~~remote service unit~~, either an automated
14 teller machine, identified as to either particular transactions or aggregate
15 information, shall only be used for purposes of effecting the financial transactions
16 for which such information was received, for any other purpose lawfully authorized
17 by contract, or for any other purpose permitted by statute and rules pertaining to the
18 dissemination and disclosure of such information.

19 **SECTION 12.** 214.49 (9m) of the statutes is amended to read:

20 214.49 (9m) In shares of stock, whether purchased or otherwise acquired, in
21 a corporation acquiring, placing and operating ~~remote service units~~ automated teller
22 machines under s. 214.04 (21).

23 **SECTION 13.** 215.01 (1m) of the statutes is created to read:

24 215.01 (1m) "Automated teller machine" has the meaning given in s. 224.55
25 (1) (a).

1 **SECTION 14.** 215.13 (26) (em) of the statutes is amended to read:

2 215.13 **(26)** (em) Shares of stock, whether purchased or otherwise acquired, in
3 a corporation acquiring, placing and operating ~~remote service units~~ automated teller
4 machines under sub. (46).

5 **SECTION 15.** 215.13 (46) (title) of the statutes is repealed and recreated to read:

6 215.13 **(46)** (title) AUTOMATED TELLER MACHINES.

7 **SECTION 16.** 215.13 (46) (a) 1. of the statutes is amended to read:

8 215.13 **(46)** (a) 1. ~~Directly~~ In accordance with rules established by the division,
9 directly or indirectly, acquire, place and operate, or participate in the acquisition,
10 placement and operation of, at locations other than its home or branch offices, ~~remote~~
11 ~~service units, in accordance with rules established by the division. Remote service~~
12 ~~units~~ automated teller machines. Automated teller machines established in
13 accordance with such rules are not subject to sub. (36), (39), (40) or (47) or s. 215.03
14 (8). The rules of the division shall provide that any ~~such remote service unit~~
15 automated teller machine shall be available for use, on a nondiscriminatory basis,
16 by any state or federal savings and loan association which has its principal place of
17 business in this state, by any other savings and loan association obtaining the
18 consent of a state or federal savings and loan association which has its principal place
19 of business in this state and is using the ~~terminal~~ automated teller machine and by
20 all customers designated by a savings and loan association using the ~~unit~~ automated
21 teller machine. This paragraph does not authorize a savings and loan association
22 which has its principal place of business outside this state to conduct business as a
23 savings and loan association in this state. The ~~remote service units~~ automated teller
24 machines also shall be available for use, on a nondiscriminatory basis, by any credit
25 union, state or national bank or state or federal savings bank, whose home office is

1 located in this state, if the credit union, bank or savings bank requests to share its
2 use, subject to the joint rules established under s. 221.0303 (2). The division by order
3 may authorize the installation and operation of ~~a remote service unit~~ an automated
4 teller machine in a mobile facility, after notice and hearing upon the proposed service
5 stops of the mobile facility.

6 **SECTION 17.** 215.13 (46) (a) 2. of the statutes is repealed.

7 **SECTION 18.** 215.13 (46) (a) 3. to 5. of the statutes are amended to read:

8 215.13 **(46)** (a) 3. If any person primarily engaged in the retail sale of goods or
9 services owns or operates ~~a remote service unit~~ an automated teller machine on such
10 person's premises and allows access to the ~~unit~~ automated teller machine by any
11 financial institution, group of financial institutions or their customers, nothing in
12 this paragraph or in rules established by the division shall, or shall be construed or
13 interpreted to, require such person to accept any connection to or use of the ~~unit~~
14 automated teller machine on its premises for any other purpose or function or to
15 accept any connection to the ~~unit~~ automated teller machine on its premises by any
16 other financial institution.

17 4. If a person primarily engaged in the retail sale of goods or services owns or
18 operates ~~a remote service unit~~ an automated teller machine on such person's
19 premises and allows access to the ~~unit~~ automated teller machine by any financial
20 institution, group of financial institutions or their customers for any purpose or
21 function, no laws governing such institutions or rules established by the division
22 shall apply to such person ~~other than~~ except as provided in s. 224.55 and except for
23 those laws or rules that are directly related to the particular function performed by
24 the ~~unit~~ automated teller machine on such person's premises for a financial
25 institution.

1 5. Information transmitted from a ~~remote service unit~~, either an automated
2 teller machine, identified as to either particular transactions or aggregate
3 information, shall only be used for purposes of effecting the financial transactions
4 for which such information was received, for any other purpose lawfully authorized
5 by contract, or for any other purpose permitted by statute and rules pertaining to the
6 dissemination and disclosure of such information.

7 **SECTION 19.** 215.26 (5) of the statutes is amended to read:

8 215.26 **(5)** LEGAL HOLIDAYS. The division shall designate such of the legal
9 holidays listed in s. 895.20 as days on which no association may transact business
10 or be open for the purpose of transacting business. For purposes of this subsection,
11 operation of a ~~remote service unit as defined in an automated teller machine under~~
12 s. 215.13 (46) (a) 1. or an unstaffed facility does not constitute the transaction of
13 business.

14 **SECTION 20.** 221.0102 (2m) of the statutes is created to read:

15 221.0102 **(2m)** “Automated teller machine” has the meaning given in s. 224.55
16 (1) (a).

17 **SECTION 21.** 221.0303 (title) of the statutes is repealed and recreated to read:

18 **221.0303** (title) **Automated teller machines.**

19 **SECTION 22.** 221.0303 (1) of the statutes is repealed.

20 **SECTION 23.** 221.0303 (2) of the statutes, as affected by 1999 Wisconsin Act 9,
21 is amended to read:

22 221.0303 **(2)** OPERATION AND ACQUISITION OF ~~CUSTOMER BANK COMMUNICATIONS~~
23 ~~TERMINALS~~ AUTOMATED TELLER MACHINES. ~~A~~ In accordance with rules established by
24 the division, a bank may, directly or indirectly, acquire, place and operate, or
25 participate in the acquisition, placement and operation of, at locations other than its

1 main or branch offices, ~~customer bank communications terminals, in accordance~~
2 ~~with rules established by the division~~ automated teller machines. The rules of the
3 division of banking shall provide that any ~~such customer bank communications~~
4 ~~terminal~~ automated teller machine shall be available for use, on a nondiscriminatory
5 basis, by any state or national bank and by all customers designated by a bank using
6 the ~~terminal~~ automated teller machine. 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~~ automated
9 teller machines also shall be available for use, on a nondiscriminatory basis, by any
10 credit union, savings and loan association or savings bank, if the credit union,
11 savings and loan association or savings bank requests to share its use, subject to
12 rules jointly established by the division of banking, the office of credit unions and the
13 division of savings institutions. The division of banking by order may authorize the
14 installation and operation of a ~~customer bank communications terminal~~ an
15 automated teller machine in a mobile facility, after notice and hearing upon the
16 proposed service stops of the mobile facility.

17 **SECTION 24.** 221.0303 (3) and (4) of the statutes are amended to read:

18 221.0303 **(3)** ~~TERMINALS~~ AUTOMATED TELLER MACHINES OWNED OR OPERATED BY
19 RETAILERS. If a person who is primarily engaged in the retail sale of goods or services
20 owns or operates a ~~customer bank communications terminal~~ an automated teller
21 machine on the person's premises and allows access to the ~~terminal~~ automated teller
22 machine by any financial institution, group of financial institutions, or their
23 customers for any purpose or function, then all of the following apply:

24 (a) The division may not require the person to accept any connection to or use
25 of the ~~customer bank communications terminal~~ automated teller machine on its

1 premises for any other purpose or function, or to accept any connection to the
2 ~~terminal~~ automated teller machine on its premises by any other financial institution.

3 (b) This chapter, and the rules promulgated by the division, do not apply to the
4 person, except as provided in s. 224.55 and except for laws or rules that are directly
5 related to the particular function performed by the ~~terminal~~ automated teller
6 machine on such person's premises for a financial institution.

7 (4) USE OF TRANSMITTED INFORMATION. Information transmitted from a ~~customer~~
8 ~~bank communications terminal, either~~ an automated teller machine, identified as to
9 either particular transactions or aggregate information, may be used only for
10 purposes of effecting the financial transactions for which the information was
11 received, for any other purpose lawfully authorized by contract or for any other
12 purpose permitted by statute or rules pertaining to the dissemination and disclosure
13 of such information.

14 **SECTION 25.** Chapter 224 (title) of the statutes is amended to read:

15 **CHAPTER 224**

16 MISCELLANEOUS BANKING,

17 FINANCIAL SERVICES AND FINANCIAL

18 INSTITUTIONS PROVISIONS

19 **SECTION 26.** Subchapter II (title) of chapter 224 [precedes 224.25] of the
20 statutes is amended to read:

21 **CHAPTER 224**

22 SUBCHAPTER II

23 FINANCIAL SERVICES AND

24 INSTITUTIONS

25 **SECTION 27.** 224.55 of the statutes is created to read:

1 **224.55 Automated teller machines. (1) DEFINITIONS.** In this section:

2 (a) “Automated teller machine” means a terminal or other facility or
3 installation, attended or unattended, that is not located at the principal place of
4 business or home office of a financial institution or at a branch office, subsidiary
5 office, other office or remote facility of a financial institution and through which
6 persons and financial institutions may engage, by means of either the direct
7 transmission of electronic impulses to and from a financial institution or the
8 recording of electronic impulses or other indicia of a transaction for delayed
9 transmission to a financial institution, in transactions that are incidental to the
10 conduct of the business of financial institutions and that are otherwise permitted by
11 law. “Automated teller machine” also includes all equipment, regardless of location,
12 that is interconnected with an automated teller machine and that is necessary to
13 transmit, route and process electronic impulses in order to enable the automated
14 teller machine to perform any function for which it is designed.

15 (b) “Financial institution” means any organization authorized to do business
16 under state or federal laws relating to financial institutions, including banks and
17 trust companies, savings banks, savings and loan associations, building and loan
18 associations and credit unions.

19 **(2) DISCLOSURE OF AUTOMATED TELLER MACHINE FEES.** An automated teller
20 machine operator shall disclose the amount of any charge imposed by the automated
21 teller machine operator upon a person for making a transaction at an automated
22 teller machine. This disclosure shall be made by posting a statement on the screen
23 of the automated teller machine and shall be made in a manner that permits the
24 person, in response to the disclosure, to discontinue the transaction without
25 incurring a charge.

1 **(3)** ADMINISTRATION AND ENFORCEMENT. (a) *Division of banking.* The division
2 of banking shall administer and enforce this section with regard to the activities of
3 any person other than a credit union, savings bank, savings and loan association or
4 building and loan association.

5 (b) *Office of credit unions.* The office of credit unions shall administer and
6 enforce this section with regard to the activities of a credit union.

7 (c) *Division of savings institutions.* The division of savings institutions shall
8 administer and enforce this section with regard to the activities of a savings bank,
9 savings and loan association or building and loan association.

10

(END)