

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBs0294/1dn  
RJM:kmg:kjf

February 8, 2000

Senator Lazich:

1. The attached substitute amendment requires every automated teller machine (ATM) operator to disclose the amount of any fee charged by the ATM operator for a transaction at an ATM. In order to clarify that the provisions of the notice requirement apply to every ATM operator, the substitute amendment also creates uniform terminology throughout the statutes regarding ATMs and creates a new statute that deals specifically with ATMs. See proposed s. 224.55.

2. Please review the provisions in proposed s. 224.55 (3) regarding administration and enforcement to ensure that they are consistent with your intent.

3. The substitute amendment does not contain a specific penalty. Thus, under s. 939.61, stats., a person who violates proposed s. 224.55 (2) is subject to a forfeiture of up to \$200. Please let me know if you intend a different penalty to apply.

4. The notice requirement in the substitute amendment applies to any person that operates an ATM. However, this state may lack the authority to enforce these provisions against federal financial institutions and their subsidiaries. See *Bank One Utah, N.A. v. Guttau*, 1999 U.S. App. LEXIS 20967. If you would like to discuss this issue further, please feel free to call.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: Robert.Marchant@legis.state.wi.us