



General Assembly

Substitute Bill No. 5014

February Session, 2000

An Act Prohibiting Certain Fees Charged For The Use Of Automated Teller Machines By Noncustomers.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 36a-156 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) One or more banks, Connecticut credit unions or federal credit
4 unions which have established a satellite device or point of sale
5 terminal shall make the satellite device or point of sale terminal
6 available on a nondiscriminatory basis for use by any other bank,
7 Connecticut credit union or federal credit union, upon payment by
8 each such other bank or credit union of a reasonably proportionate
9 share of all acquisition, installation and operating costs of the satellite
10 device or point of sale terminal. The satellite device or point of sale
11 terminal shall identify with equal prominence all of the banks, credit
12 unions or network systems which use the satellite device or point of
13 sale terminal.

14 (b) Any bank, Connecticut credit union or federal credit union
15 which has established an automated teller machine which is not a
16 satellite device may, in its discretion, permit any other bank,
17 Connecticut credit union or federal credit union to use such automated
18 teller machine, provided, (1) if such permission is granted to any other
19 bank, Connecticut credit union or federal credit union, the automated

20 teller machine is made available on a nondiscriminatory basis for use
21 by any other bank, Connecticut credit union or federal credit union,
22 upon payment of reasonably proportionate costs as described under
23 subsection (a) of this section, and (2) such use is otherwise in
24 accordance with subsection (a) of this section.

25 (c) No bank, Connecticut credit union or federal credit union that
26 has established or acquired and that uses any automated teller
27 machine in this state may impose any fee for the use of any such
28 automated teller machine on any consumer residing in this state if the
29 consumer using such automated teller machine does not maintain a
30 deposit account with such bank, Connecticut credit union or federal
31 credit union. No bank, Connecticut credit union or federal credit
32 union, and no out-of-state bank or out-of-state credit union that is
33 authorized under the laws of this state or federal law to accept
34 deposits within this state, may debit or permit the debiting of any
35 deposit account of a customer of any such institution for the purpose
36 of paying any fee prohibited by this subsection. As used in this
37 subsection, "deposit account" has the same meaning as provided in
38 section 36a-316 and includes such accounts accepted or acquired in this
39 state by an out-of-state bank or out-of-state credit union that is
40 authorized under the laws of this state or federal law to accept
41 deposits within this state.

42 Sec. 2. Section 36a-158 of the general statutes is repealed and the
43 following is substituted in lieu thereof:

44 (a) Except as provided in subsection (b) of this section, no out-of-
45 state bank or out-of-state credit union may directly or indirectly
46 establish or use an automated teller machine or point of sale terminal
47 in this state. This prohibition does not apply to an out-of-state bank or
48 out-of-state credit union that is authorized under the laws of this state
49 or federal law to accept deposits within this state.

50 (b) An out-of-state bank or out-of-state credit union may use an
51 automated teller machine or point of sale terminal located in this state

52 provided: (1) Such bank or credit union obtains permission to use the
53 automated teller machine or point of sale terminal in this state from the
54 owner of such automated teller machine or point of sale terminal; (2)
55 such bank or credit union uses the automated teller machine in this
56 state on a transaction fee basis; (3) unless such bank or credit union or
57 an affiliate of such bank or credit union is otherwise authorized under
58 the laws of this state or federal law to accept deposits within the state,
59 the transactions available to customers of such bank or credit union on
60 any such automated teller machine shall be limited to withdrawals,
61 advances and transfers and shall not include deposit transactions; and
62 (4) any such automated teller machine is established and used in
63 accordance with the provisions of sections 36a-155 and 36a-156, as
64 amended by this act.

65 (c) No out-of-state bank or out-of-state credit union that is
66 authorized under the laws of this state or federal law to accept
67 deposits within this state and has established or acquired and that uses
68 any automated teller machine in this state may impose any fee for the
69 use of any such automated teller machine on any consumer residing in
70 this state if the consumer using such automated teller machine does
71 not maintain a deposit account with such out-of-state bank or out-of-
72 state credit union. No bank, Connecticut credit union or federal credit
73 union, and no out-of-state bank or out-of-state credit union that is
74 authorized under the laws of this state or federal law to accept
75 deposits within this state, may debit or permit the debiting of any
76 deposit account of a customer of any such institution for the purpose
77 of paying any fee prohibited by this subsection. As used in this
78 subsection, "deposit account" has the same meaning as provided in
79 section 36a-316 and includes such accounts accepted or acquired in this
80 state by an out-of-state bank or out-of-state credit union that is
81 authorized under the laws of this state or federal law to accept
82 deposits within this state.

83 Sec. 3. (NEW) The provisions of subsection (c) of section 36a-156 of
84 the general statutes, as amended by this act, and subsection (c) of
85 section 36a-158 of the general statutes, as amended by this act, shall be

86 ineffective on (1) the date a court of competent jurisdiction issues a
87 final judgment that such provisions do not apply to national banking
88 associations, federal savings banks or federal savings and loan
89 associations, or (2) the date the Comptroller of the Currency issues a
90 ruling, or the effective date of regulations promulgated by said
91 Comptroller, specifying that such provisions do not apply to national
92 banking associations. For the purposes of this section, "date of final
93 judgment" means the date on which a judgment is entered and no
94 appeal is possible or, if an appeal is possible and no appeal is taken,
95 the date on which the right to appeal expires.

96 Sec. 4. This act shall take effect from its passage.

BA Committee Vote: Yea 11 Nay 6 JFS