



General Assembly

Amendment

January Session, 2001

LCO No. 8604

Offered by:
SEN. COLAPIETRO, 31st Dist.
SEN. PRAGUE, 19th Dist.

To: Subst. House Bill No. 5732 File No. 834 Cal. No. 536

**"AN ACT CONCERNING IDENTIFICATION REQUIRED FOR
CHECK CASHING."**

1 After line 27, insert the following:

2 "Sec. 3. Section 36a-156 of the general statutes is repealed and the
3 following is substituted in lieu thereof:

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

15 (b) Any bank, Connecticut credit union or federal credit union
16 which has established an automated teller machine which is not a
17 satellite device may, in its discretion, permit any other bank,
18 Connecticut credit union or federal credit union to use such automated
19 teller machine, provided, (1) if such permission is granted to any other
20 bank, Connecticut credit union or federal credit union, the automated
21 teller machine is made available on a nondiscriminatory basis for use
22 by any other bank, Connecticut credit union or federal credit union,
23 upon payment of reasonably proportionate costs as described under
24 subsection (a) of this section, and (2) such use is otherwise in
25 accordance with subsection (a) of this section.

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

43 Sec. 4. section 36a-158 of the general statutes is repealed and the
44 following is substituted in lieu thereof:

45 (a) Except as provided in subsection (b) of this section, no out-of-
46 state bank or out-of-state credit union may directly or indirectly
47 establish or use an automated teller machine or point of sale terminal

48 in this state. This prohibition does not apply to an out-of-state bank or
49 out-of-state credit union that is authorized under the laws of this state
50 or federal law to accept deposits within this state.

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

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

82 authorized under the laws of this state or federal law to accept
83 deposits within this state.

84 Sec. 5. (NEW) The provisions of subsection (c) of section 36a-156 of
85 the general statutes, as amended by this act, and subsection (c) of
86 section 36a-158 of the general statutes, as amended by this act, shall be
87 ineffective on (1) the date a court of competent jurisdiction issues a
88 final judgment that such provisions do not apply to national banking
89 associations, federal savings banks, federal savings and loan
90 associations or federal credit unions, or (2) the date the Comptroller of
91 the Currency or the National Credit Union Administration issues a
92 ruling, or the effective date of regulations promulgated by said
93 Comptroller or the National Credit Union Administration, specifying
94 that such provisions do not apply to national banking associations or
95 federal credit unions. For the purposes of this section, "date of final
96 judgment" means the date on which a judgment is entered and no
97 appeal is possible or, if an appeal is possible and no appeal is taken,
98 the date on which the right to appeal expires."