



General Assembly

January Session, 2003

Amendment

LCO No. 5618

SB0012105618SR0

Offered by:

SEN. CAPPIELLO, 24th Dist.

To: Subst. Senate Bill No. 121

File No. 605

Cal. No. 362

"AN ACT CONCERNING UNCLAIMED PROPERTY."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 36a-156 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2003*):

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

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

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

44 Sec. 502. Section 36a-158 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective July 1, 2003*):

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

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

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

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

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

85 Sec. 503. (NEW) (*Effective July 1, 2003*) The provisions of subsection
86 (c) of section 36a-156 of the general statutes, as amended by this act,
87 and subsection (c) of section 36a-158 of the general statutes, as
88 amended by this act, shall be ineffective on: (1) The date that a court of
89 competent jurisdiction issues a final judgment that such provisions do
90 not apply to national banking associations, federal savings banks,
91 federal savings and loan associations or federal credit unions; or (2) the
92 date that the Comptroller of the Currency or the National Credit Union
93 Administration issues a ruling, or the effective date of regulations
94 promulgated by said Comptroller or the National Credit Union
95 Administration, specifying that such provisions do not apply to
96 national banking associations or federal credit unions. For the
97 purposes of subdivision (1) of this section, the date of a final judgment
98 is the date on which a judgment is entered and no appeal is possible
99 or, if an appeal is possible and no appeal is taken, the date on which
100 the right to appeal expires."