



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

DIVISION OF BANKING AND SECURITIES
Anchorage Office

550 West Seventh Avenue, Suite 1850
Anchorage, Alaska 99501
Main: 907.269-8140
Toll free: 1.888.925.2521
Fax: 907.269-8146

Wednesday, March 11, 2026

The Honorable Andrew Gray
Chair, House Judiciary Committee
Alaska State Capitol, Room 118
Juneau, Alaska 99801

Dear Chair Gray,

During the House Judiciary Committee Hearing on March 6, 2026, for HB 324 Virtual Currency Kiosks, Representative Eischeid asked about the maximum fees that can be charged for bank automated teller machines (ATMs).

The Division of Banking and Securities (DBS) researched the Alaska Statutes (AS) and federal law and found no reference to the amount of fees a bank or credit union can charge. The only requirements identified are related to disclosure of fees prior to a transaction.

AS 06.05.426 (Banking Code) and AS 06.45.295 (Credit Union Code) both reference that an ATM can be on the premises of the bank or credit union's main office or a branch office. Should the bank or credit union have an ATM at a location other than the premises listed above, it must notify DBS 30 days prior to the date of establishment. In both statutes listed, it is referenced that a person may not establish or operate an ATM that accepts deposits unless those deposits are insured by either the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Share Insurance Fund, or another agency of the United States that insures deposits. Both statutes are silent on fees.

Private ATMs not owned by a bank or credit union fall under AS 06.90.010 and are also silent on fees. Additional information is enclosed related to federal law.

Please advise if we can provide any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Tracy Reno".

Tracy Reno
Director

Enclosure

cc: Lizzie Kubitz, Legislative Liaison, DCCED
Jordan Shilling, Director, Governor's Legislative Office

Attachment for House Judiciary Committee: HB 324 Virtual Currency Kiosks
Division of Banking and Securities response for Representative Eischeid

Alaska statute for private automated teller machines (ATM) and federal law related to bank ATMs.

AS 06.90.010 **Automated teller machine fee.** Unless a fee is otherwise prohibited by or conflicts with federal law, a person that owns an automated teller machine may charge a fee for the use of the automated teller machine to conduct a transaction accessing an account from an international financial institution.

(1) “automated teller machine” means an electronic device that dispenses cash in connection with a credit, deposit, or checking account at an international financial institution;

(2) “international financial institution” means a person that is organized and licensed under the laws of a foreign country to engage in a banking business; in this paragraph, “banking business” means a business that offers deposit accounts, makes loans, and conducts other financial transactions.

The Electronic Fund Transfer Act of 1978, 15 U.S.C. § 1693 et seq., (Regulation E), addresses ATM disclosures; however, it is silent on the amount of fees that can be charged.

15 U.S.C. §1693b. Regulations

(d) Applicability to service providers other than certain financial institutions

(3) Fee disclosures at automated teller machines

(A) In general

The regulations prescribed under paragraph (1) shall require any automated teller machine operator who imposes a fee on any consumer for providing host transfer services to such consumer to provide notice in accordance with subparagraph (B) to the consumer (at the time the service is provided) of—

(i) the fact that a fee is imposed by such operator for providing the service; and

(ii) the amount of any such fee.

(B) Notice requirement

The notice required under clauses (i) and (ii) of subparagraph (A) with respect to any fee described in such subparagraph shall appear on the screen of the automated teller machine, or on a paper notice issued from such machine, after the transaction is initiated and before the consumer is irrevocably committed to completing the transaction.

12 CFR Part § 1005.16 Disclosures at automated teller machines.

(a) Definition. “Automated teller machine operator” means any person that operates an automated teller machine at which a consumer initiates an electronic fund transfer or a balance inquiry and that does not hold the account to or from which the transfer is made, or about which an inquiry is made.

(b) General. An automated teller machine operator that imposes a fee on a consumer for initiating an electronic fund transfer or a balance inquiry must provide a notice that a fee will be imposed for providing electronic fund transfer services or a balance inquiry that discloses the amount of the fee.

(c) Notice requirement. An automated teller machine operator must provide the notice required by paragraph (b) of this section either by showing it on the screen of the automated teller machine or by providing it on paper, before the consumer is committed to paying a fee.

(d) Imposition of fee. An automated teller machine operator may impose a fee on a consumer for initiating an electronic fund transfer or a balance inquiry only if:

(1) The consumer is provided the notice required under paragraph (c) of this section, and

(2) The consumer elects to continue the transaction or inquiry after receiving such notice.

The **Office of the Comptroller of the Currency (OCC)** refers to **12 CFR 7** and **12 CFR 1005** regarding banks' ATM fees and their legality. The OCC states in its response that yes, federal law allows banks to charge fees, including service fees; however, it does not speak of a maximum amount to be charged. The bank is required to disclose to you any fees associated with the account before you open it. Another federal law requires ATM operators to provide consumers with notice that a fee will be charged. The notice must be given before the consumer is committed to paying the fee, and the notice must either appear on the screen or be provided on paper. Generally, all fees are determined on a competitive basis within the market. Banks are advised to make the decision on the type, amount, and method of calculation based on sound banking judgment and safe and sound banking principles.