

HOUSE BILL NO. 311

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES CROFT, Ryan

Introduced: 1/12/98

Referred: State Affairs, Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to automated teller machines."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** LEGISLATIVE FINDINGS AND INTENT. The legislature finds that the fees
4 charged for using automated teller machines by many banks could have a negative effect on
5 the financial institutions industry and consumers. The legislature intends to ensure that there
6 is an efficient and competitive automated teller machine market.

7 * **Sec. 2.** AS 06.05 is amended by adding a new section to article 4 to read:

8 **Sec. 06.05.427. Surcharges for use of automated teller machines.** (a) A
9 bank may not impose a surcharge on a customer for the use of an automated teller
10 machine in this state unless the automated teller machine is located in or attached to
11 a staffed office of that bank with facilities for in-person transactions between
12 employees of the bank and its customers.

13 (b) If a surcharge is imposed on a customer at an automated teller machine,
14 the operator of that automated teller machine shall disclose to the customer
15 electronically on the automated teller machine the total amount of the charge. The

1 disclosure shall be provided before the customer's entry of an amount, and the
2 customer shall have an opportunity to cancel the transaction without incurring an
3 obligation.

4 (c) For purposes of this section and notwithstanding AS 06.05.540(1),

5 (1) "automated teller machine" means an electronic information
6 processing device that accepts or dispenses cash in connection with a credit, deposit,
7 or convenience account, but does not include a device used primarily to facilitate
8 check guarantees or check authorizations, used in connection with the acceptance or
9 dispensing of cash on a person-to-person basis such as by store cashier, or used for
10 payment of goods and services;

11 (2) "surcharge" means a fee directly imposed on a customer by the
12 owner or operator of an automated teller machine if the fee does not relate to or affect
13 an account held by the customer with the owner or operator of the automated teller
14 machine.