

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

HOUSE BILL 1641

4
5 By: Representative Murdock

For An Act To Be Entitled

8 AN ACT TO REVISE THE USAGE FEE LIMITATION AT
9 CUSTOMER-BANK COMMUNICATION TERMINALS; AND FOR OTHER
10 PURPOSES.

Subtitle

11
12
13
14 TO REVISE THE USAGE FEE LIMITATION AT
15 CUSTOMER-BANK COMMUNICATION TERMINALS.

16
17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. DO NOT CODIFY. Findings and legislative intent.

21 (a) The General Assembly finds that:

22 (1) A state-chartered bank in Arkansas is prohibited from
23 charging a usage fee at a customer-bank communication terminal in excess of
24 two dollars (\$2.00) or two percent (2%) of the gross amount of the
25 transaction;

26 (2) An out-of-state bank is not subject to Arkansas's terminal
27 usage fee limits and therefore enjoys an unfair competitive advantage over a
28 state-chartered bank in Arkansas; and

29 (3) A state-chartered bank in Arkansas will be able to compete
30 on a level playing field with an out-of-state bank if allowed to charge an
31 appropriate amount for a usage fee at a customer-bank communication terminal.

32 (b) It is the intent of the General Assembly to allow a state-
33 chartered bank in Arkansas to charge an appropriate and competitive usage fee
34 at a customer-bank communication terminal to the same extent as the state-
35 chartered banks' out-of-state competitors.

36



1 SECTION 2. Arkansas Code § 23-48-810(a), concerning sharing a
2 customer-bank communication terminal, is amended to read as follows:

3 (a)(1) An agreement to share a customer-bank communication terminal,
4 ~~as defined by § 23-48-801,~~ shall not prohibit, limit, or restrict the right
5 of a bank from charging a customer-bank communication terminal usage fee.

6 (2) The usage fee+

7 ~~(A)(i) Shall not exceed two dollars (\$2.00) or two percent~~
8 ~~(2%) of the gross amount of the transaction, whichever is less.~~

9 ~~(ii) However, an Arkansas state bank may charge the~~
10 ~~maximum usage fee at customer bank communication terminals authorized by law~~
11 ~~in the state where the Arkansas state bank operates an out-of-state full-~~
12 ~~service branch and customer bank communication terminals; and~~

13 ~~(B) May~~ may be imposed only if imposition of the usage fee
14 is disclosed at a time and in a manner that allows a user to terminate or
15 cancel the transaction without incurring the usage fee.

16
17
18 APPROVED: 03/20/2015
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36