

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 1085

4  
5 By: House Interim Committee on Insurance and Commerce  
6 By: Senate Interim Committee on Insurance and Commerce

## For An Act To Be Entitled

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9 "AN ACT TO REENACT ARKANSAS CODE 23-32-1311 PERTAINING TO  
10 THE SHARING OF CUSTOMER-BANK COMMUNICATION TERMINALS; AND  
11 FOR OTHER PURPOSES."

## Subtitle

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14 "TO REENACT ARKANSAS CODE PERTAINING TO  
15 SHARING OF CUSTOMER-BANK COMMUNICATION  
16 TERMINALS."

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

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20 SECTION 1. Sharing of communication terminals.

21 (a)(1) An agreement to share a customer-bank communication terminal, as  
22 defined by § 23-32-1301(2), shall not prohibit, limit, or restrict the right  
23 of a financial institution from charging a customer-bank communication  
24 terminal usage fee.

25 (2) The usage fee shall not exceed two dollars (\$2.00) or two percent  
26 (2%) of the gross amount of the transaction, whichever is less, and may only  
27 be imposed if imposition of the fee is disclosed at a time and in a manner  
28 that allows a user to terminate or cancel the transaction without incurring  
29 the usage fee.

30 (b)(1) For purposes of this section, "usage fee" is a fee charged by a  
31 customer-bank communication terminal owner on transactions by a holder of a  
32 foreign bank card.

33 (2) For purposes of this section, a "foreign bank card" is a card  
34 eligible for use in a customer-bank communication terminal, which card is not  
35 issued by the customer-bank communication terminal owner.

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1 SECTION 2. All provisions of this act of a general and permanent nature  
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
3 Revision Commission shall incorporate the same in the Code.

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5 SECTION 3. If any provision of this act or the application thereof to  
6 any person or circumstance is held invalid, such invalidity shall not affect  
7 other provisions or applications of the act which can be given effect without  
8 the invalid provision or application, and to this end the provisions of this  
9 act are declared to be severable.

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11 SECTION 4. All laws and parts of laws in conflict with this act are  
12 hereby repealed.

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14 SECTION 5. EMERGENCY. It is hereby found and determined by the General  
15 Assembly that the Arkansas Banking Act of 1997 goes into effect on May 31,  
16 1997; that the law addressed by this act was repealed by the Arkansas Banking  
17 Act of 1997 for technical purposes; that this act will reenact that law with  
18 necessary changes; and that this act must go into effect on May 31, 1997, in  
19 order to correlate with the Banking Act of 1997. Therefore an emergency is  
20 declared to exist and this act being immediately necessary for the  
21 preservation of the public peace, health and safety shall be in full force and  
22 effect from and after May 31, 1997.

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