

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: S2/13/13

# A Bill

SENATE BILL 151

5 By: Senator J. Dismang  
6

## For An Act To Be Entitled

8 *AN ACT TO REVISE THE USAGE FEE FOR BRANCHES OF AN*  
9 *ARKANSAS BANK LOCATED OUT OF STATE; TO DECLARE AN*  
10 *EMERGENCY; AND FOR OTHER PURPOSES.*

## Subtitle

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14 *TO REVISE THE USAGE FEE FOR BRANCHES OF*  
15 *AN ARKANSAS BANK LOCATED OUT OF STATE;*  
16 *AND TO DECLARE AN EMERGENCY.*

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 23-48-810(a)(2), concerning limitation of  
22 customer-bank communication terminal usage fees, is amended to read as  
23 follows:

24 (2) The usage fee:

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

27 (ii) However, an Arkansas state bank may charge the  
28 maximum usage fee at customer-bank communication terminals authorized by law  
29 in the state where the Arkansas state bank operates an out-of-state full-  
30 service branch and customer-bank communication terminals; and

31 (B) ~~may~~ May only be imposed only if imposition of the  
32 usage fee is disclosed at a time and in a manner that allows a user to  
33 terminate or cancel the transaction without incurring the usage fee.  
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35 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
36 General Assembly of the State of Arkansas that out-of-state banks have and



1 will have an unfair competitive advantage over Arkansas banks located out-of-  
2 state that are subject to the state's terminal usage fee limits; that out of  
3 state banks will continue to have an unfair competitive advantage over  
4 Arkansas banks located out of state until the limitation is removed; and that  
5 this act is immediately necessary to remove the limitation to allow Arkansas  
6 banks located out of state to change their rates to the maximum usage fee  
7 authorized by the state where the Arkansas bank is located. Therefore, an  
8 emergency is declared to exist, and this act being immediately necessary for  
9 the preservation of the public peace, health, and safety shall become  
10 effective on:

11 (1) The date of its approval by the Governor;

12 (2) If the bill is neither approved nor vetoed by the Governor,  
13 the expiration of the period of time during which the Governor may veto the  
14 bill; or

15 (3) If the bill is vetoed by the Governor and the veto is  
16 overridden, the date the last house overrides the veto.

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18 /s/J. Dismang  
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