

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
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36