

By: Senator(s) Williamson

To: Business and Financial  
Institutions

SENATE BILL NO. 2557

1 AN ACT TO AMEND SECTIONS 81-5-100 AND 81-13-62, MISSISSIPPI  
2 CODE OF 1972, TO REDUCE THE MAXIMUM TRANSACTION FEE WHICH MAY BE  
3 CHARGED BY BANKS AND CREDIT UNIONS FOR THE USE OF THEIR ELECTRONIC  
4 TERMINALS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 81-5-100, Mississippi Code of 1972, is  
7 amended as follows:

8 81-5-100. (1) For the purposes of this section, the  
9 following words shall have the meaning herein described unless the  
10 context shall otherwise require:

11 (a) "Electronic terminal" means an unmanned electronic  
12 device owned or operated by a federally insured bank or thrift  
13 through which a consumer may initiate an electronic fund transfer.

14 (b) "Electronic fund transfer" means any of the  
15 following:

16 (i) The withdrawal of cash from or the deposit of  
17 cash or checks into an unmanned electronic device, such as an  
18 automatic teller machine, but not including night depositories;

19 (ii) An application for or acceptance of a loan  
20 through use of an unmanned electronic device;

21 (iii) The transfer of funds between accounts  
22 through use of an unmanned electronic device; or

23 (iv) The issuance of a check by an unmanned  
24 electronic device.

25 (c) "Electronic fund transfer" does not mean access to  
26 accounts, the application for or acceptance of a loan, the  
27 transfer of funds between accounts or other banking services  
28 accomplished through the use of a personal computer or telephone.

29           (2) A state bank or thrift, with the approval of the  
30 Commissioner of Banking and Consumer Finance, may establish  
31 electronic terminals.

32           (3) A bank desiring to establish such an electronic terminal  
33 shall file with the commissioner a written application requesting  
34 authority to establish such a terminal. Upon receipt of such  
35 application, the commissioner shall make inquiry into the facts  
36 sufficient to enable him to determine whether or not the proposed  
37 electronic terminal will provide bank customers with convenient  
38 access to the electronic transfer of funds. If the commissioner's  
39 finding is favorable to the application, he shall grant the  
40 applicant a written permit to establish the terminal. These  
41 rights are extended to national banks upon the approval of the  
42 Comptroller of the Currency of the United States of America.

43           (4) For the use of its electronic terminals connected to  
44 sharing networks or systems, a bank may impose a fee if imposition  
45 of the fee is disclosed at a time and in a manner that allows a  
46 user to terminate or cancel the transaction without incurring the  
47 transaction fee. Such fee shall not exceed One Dollar  
48 (\$1.00) \* \* \*. An agreement to share electronic terminals shall  
49 not prohibit, limit or restrict the right of a bank to charge such  
50 fees for the use of its electronic terminals as allowed by state  
51 or federal law, or require a bank to limit or waive its rights or  
52 obligations under this section.

53           **SECTION 2.** Section 81-13-62, Mississippi Code of 1972, is  
54 amended as follows:

55           81-13-62. (1) For the purposes of this section, the  
56 following words shall have the meanings provided in this  
57 subsection unless the context otherwise requires:

58           (a) "Electronic terminal" means an unmanned electronic  
59 device owned or operated by a federally insured credit union  
60 through which a consumer may initiate an electronic fund transfer.

61 (b) "Electronic fund transfer" means any of the  
62 following:

63 (i) The withdrawal of cash from or the deposit of  
64 cash or checks into an unmanned electronic device, such as an  
65 automatic teller machine, but not including night depositories;

66 (ii) An application for or acceptance of a loan  
67 through use of an unmanned electronic device;

68 (iii) The transfer of funds between accounts  
69 through use of an unmanned electronic device; or

70 (iv) The issuance of a check by an unmanned  
71 electronic device.

72 (2) Any state credit union may apply to the Commissioner of  
73 Banking and Consumer Finance for permission to establish  
74 electronic terminals. The application shall be in such a form as  
75 may be prescribed by the commissioner. The commissioner shall  
76 approve the electronic terminal when all of the following criteria  
77 are met:

78 (a) The applicant has an examination rating of two (2)  
79 or higher;

80 (b) The applicant has capital ratios equal or exceeding  
81 the amount required by the insurer of deposit accounts;

82 (c) The applicant has no formal or informal enforcement  
83 actions outstanding; and

84 (d) The applicant has demonstrated that its members  
85 would be well served by the electronic terminal.

86 (3) For the use of its electronic terminals connected to  
87 sharing networks or systems, a credit union may impose a fee if  
88 imposition of the fee is disclosed at a time and in a manner that  
89 allows a user to terminate or cancel the transaction without  
90 incurring the transaction fee. Such fee shall not exceed Two  
91 Dollars (\$2.00) \* \* \*. An agreement to share electronic terminals  
92 shall not prohibit, limit or restrict the right of a credit union  
93 to charge such fees for the use of its electronic terminals as

94 allowed by state or federal law, or require a credit union to  
95 limit or waive its rights or obligations under this section.

96       **SECTION 3.** This act shall take effect and be in force from  
97 and after its passage.