

HOUSE BILL No. 2870

By Representatives Garner, Crow, Flaharty, Gilbert, Kirk, Kuether, Loganbill, McClure, Pauls, E. Peterson, Phelps, Reardon, Ruff, Spangler, Storm, Toelkes and Winn

2-13

AN ACT relating to automated teller machines; concerning fees.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) As used in this section:

(1) "Automated teller machine" means any electronic information processing device located in this state which accepts or dispenses cash in connection with a depositor's account or accounts;

(2) "operator" means a financial institution or other person that operates an automated teller machine;

(3) "financial institution" means a bank, savings bank, savings and loan association or credit union incorporated under the laws of this state, or organized under the laws of the United States or another state; or

(4) "access device" means a card, code or other means of access to a depositor's account, or any combination thereof, that may be used by the depositor to initiate electronic fund transfers, including machine readable instruments.

(b) At or before the time a transaction is initiated, the operator of an automated teller machine shall provide the person using the automated teller machine with notice of the fee to be charged by the operator for use of the automated teller machine by persons using access devices not issued by the operator, except that such fee shall not exceed .5% of the total amount of such transaction.

(c) (1) The operator may give the notice required under subsection (a) of this section by either:

(A) Posting in a conspicuous place on or near the automated teller machine the amount of the fee; or

(B) listing the amount of the fee on the screen of the automated teller machine at the time the transaction is initiated.

(2) If the operator gives the notice in the manner provided by paragraph (1) (B), the person using the automated teller machine shall be provided with the opportunity to cancel the transaction without incurring any fee.

1 Sec. 2. This act shall take effect and be in force from and after its
2 publication in the statute book.
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