

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1641

By: Representative Murdock

For An Act To Be Entitled

AN ACT TO REVISE THE USAGE FEE LIMITATION AT
CUSTOMER-BANK COMMUNICATION TERMINALS; AND FOR OTHER
PURPOSES.

Subtitle

TO REVISE THE USAGE FEE LIMITATION AT
CUSTOMER-BANK COMMUNICATION TERMINALS.

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

SECTION 1. DO NOT CODIFY. Findings and legislative intent.

(a) The General Assembly finds that:

(1) A state-chartered bank in Arkansas is prohibited from charging a usage fee at a customer-bank communication terminal in excess of two dollars (\$2.00) or two percent (2%) of the gross amount of the transaction;

(2) An out-of-state bank is not subject to Arkansas's terminal usage fee limits and therefore enjoys an unfair competitive advantage over a state-chartered bank in Arkansas; and

(3) A state-chartered bank in Arkansas will be able to compete on a level playing field with an out-of-state bank if allowed to charge an appropriate amount for a usage fee at a customer-bank communication terminal.

(b) It is the intent of the General Assembly to allow a state-chartered bank in Arkansas to charge an appropriate and competitive usage fee at a customer-bank communication terminal to the same extent as the state-chartered banks' out-of-state competitors.



SECTION 2. Arkansas Code § 23-48-810(a), concerning sharing a customer-bank communication terminal, is amended to read as follows:

(a)(1) An agreement to share a customer-bank communication terminal, ~~as defined by § 23-48-801,~~ shall not prohibit, limit, or restrict the right of a bank from charging a customer-bank communication terminal usage fee.

(2) The usage fee+

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

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

~~(B) May may be imposed only if imposition of the usage fee is disclosed at a time and in a manner that allows a user to terminate or cancel the transaction without incurring the usage fee.~~

APPROVED: 03/20/2015