

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 510
Commerce Committee Substitute Adopted 4/16/03

Short Title: Safety at Automatic Teller Machines.

(Public)

Sponsors:

Referred to:

March 24, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE BANKING COMMISSION AND THE ADMINISTRATOR OF CREDIT UNIONS TO ADOPT RULES CONCERNING CUSTOMER SAFETY MEASURES WITH RESPECT TO AUTOMATED TELLER MACHINES LOCATED IN AREAS WHERE THERE IS VEHICULAR TRAFFIC.

The General Assembly of North Carolina enacts:

SECTION 1. Article 6 of Chapter 53 of the General Statutes is amended by adding a new section to read:

"§ 53-62.1. Criteria for safety at automated teller machines.

The State Banking Commission shall adopt rules setting forth the criteria to be followed by the owners of automated teller machines in providing for the safety and protection of the public while operating or using those machines. The rules shall apply only to automated teller machines that are located off-premises of the owner and that are (i) free-standing, (ii) designed to be used by customers on foot, and (iii) located in a parking lot or otherwise exposed to vehicular traffic. The rules shall not apply to automated teller machines designed for use by the customer from the customer's vehicle. In drafting the rules, the State Banking Commission shall take into consideration the variations that exist in the manner in which automated teller machines may be positioned for the convenience of the public. The Commission shall also consider the cost of compliance with the rules and the impact that cost could have on fees charged for use of the machines. The rules adopted by the Commission shall apply to all automated teller machines, regardless of the ownership of the machines, except the rules shall not apply to automated teller machines owned or operated by credit unions."

SECTION 2. G.S. 54-109.11 is amended by adding a new subdivision to read:

"(6) Adopt rules setting forth the criteria to be followed by credit unions operating automated teller machines in providing for the safety and

1 protection of the public while operating or using those machines. The
2 rules shall apply only to automated teller machines that are located off-
3 premises of the owner and that are (i) free-standing, (ii) designed to be
4 used by customers on foot, and (iii) located in a parking lot or
5 otherwise exposed to vehicular traffic. The rules shall not apply to
6 automated teller machines designed for use by the customer from the
7 customer's vehicle. In drafting the rules, the Administrator of Credit
8 Unions shall take into consideration the variations that exist in the
9 manner in which automated teller machines may be positioned for the
10 convenience of the public. The Administrator shall also consider the
11 cost of compliance with the rules and the impact that cost could have
12 on fees charged for use of the machines."

13 **SECTION 3.** The State Banking Commission and the Administrator of
14 Credit Unions shall adopt temporary rules pursuant to Sections 1 and 2 of this act within
15 180 days of the effective date of this act. At least 30 days prior to adopting temporary
16 rules pursuant to this act, the Commission and the Administrator shall (i) notify persons
17 on the mailing list maintained pursuant to G.S. 150B-21.2(d) and any other interested
18 parties of the Commission's or Administrator's intent to adopt a temporary rule; (ii)
19 accept oral and written comments on the proposed temporary rule; and (iii) hold at least
20 one public hearing on the proposed temporary rule. In adopting the rules, the State
21 Banking Commission and the Administrator of Credit Unions shall coordinate their
22 efforts so that, to the greatest extent possible, the rules adopted will be consistent for all
23 owners of automated teller machines.

24 **SECTION 4.** This act is effective when it becomes law.