

House Bill 3395

Sponsored by Representative CLEM

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits owner or operator of automated teller machine to charge fee for transaction conducted on automated teller machine to person who uses card or other method of access for account located within or outside United States. Prohibits agreement that prohibits owner or operator from charging fee or that restricts or limits amount of fee.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to automated teller machine fees; amending ORS 714.205; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 714.205 is amended to read:

714.205. (1)(a) If *[the]* **an owner or** operator of an ATM charges a fee to *[any]* a person to use the ATM, the operator shall disclose to *[persons using the ATM that]* **the person that the operator will impose** a fee *[will be imposed]* for the ATM transaction.

(b) An owner or operator of an ATM may charge a fee for a transaction conducted on the ATM to a person who uses a card or other method of access for an account that is located within or outside the United States. Subject to applicable provisions of federal law, an agreement between an owner or operator of an ATM and a person that processes transactions to and from the ATM via a network or other payment processing system may not prohibit the owner or operator of the ATM from charging a fee or restrict or limit the amount of a fee charged in accordance with this paragraph.

(2) Subject to subsection (3) of this section, the disclosure required under subsection (1)(a) of this section *[shall]* **must** be made electronically during the ATM transaction and *[shall]* **must** allow the person who will be charged a fee to cancel the ATM transaction without incurring a fee. The disclosure *[shall]* **must** also be printed on the ATM transaction receipt.

(3) The Director of the Department of Consumer and Business Services may adopt rules *[conforming]* **to conform** the *[disclosure requirements of subsection (2)]* **requirements** of this section to *[disclosure requirements contained in]:*

(a) *[Any]* **A** law enacted by the Congress of the United States; or

(b) *[Any]* **A** regulation adopted by any federal agency having regulatory authority over ATMs.

SECTION 2. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.