

Sixty-first  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2328**

Introduced by

Senators Wanzek, Klein, Potter

Representatives N. Johnson, Ruby, Vigesaa

1 A BILL for an Act to create and enact a new section to chapter 6-08 of the North Dakota  
2 Century Code, relating to assessment of automated teller machine access fees for foreign  
3 cardholder transactions.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 6-08 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Automated teller machines - Definitions - International charges - Application.**

8 **1. In this section:**

9 **a. "Automated teller machine" means any electronic information processing**  
10 **device or electronic funds transfer facility located in this state that accepts or**  
11 **disposes cash in connection with a credit, deposit, or other account.**

12 **"Automated teller machine" does not include a device that is used solely to**  
13 **facilitate check guarantees or check authorizations, or that is used in**  
14 **connection with the acceptance or dispensing of cash on a person-to-person**  
15 **basis.**

16 **b. "Foreign account" means an account with a financial institution located**  
17 **outside the United States.**

18 **2. An agreement to operate or share an automated teller machine may not prohibit an**  
19 **owner or operator of the automated teller machine from imposing on an individual**  
20 **who conducts a transaction using a foreign account an access fee or surcharge**  
21 **that is not otherwise prohibited under federal or state law.**

22 **3. This Act first applies to agreements entered into, modified, or renewed after the**  
23 **effective date of this section.**