

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Wanzek

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 the assessment of automated teller machines 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.**

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 of 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.**