

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.