

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

D

SENATE DRS65135-LT-60 (3/18)

Short Title: Safety at Automatic Teller Machines.

(Public)

Sponsors: Senator Reeves.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE INCREASED CUSTOMER SAFETY MEASURES AT
UNMANNED AUTOMATIC TELLER MACHINES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 53-63(d1) reads as rewritten:

"(d1) Subject to such rules and regulations as may be prescribed by the State Banking Commission with regard to ~~their~~the use, maintenance and ~~supervision,~~supervision of, and the safety of the public while operating or using terminals, devices, and machines authorized by this subsection, any bank may establish off the premises of any principal office, branch or limited service facility a customer-bank communications terminal, point-of-sale terminal, automated teller machine, automated banking facility or other direct or remote information-processing device or machine, whether manned or unmanned, through or by means of which information relating to any financial service or transaction rendered to the public is stored and transmitted, instantaneously or otherwise, to or from a bank or other nonbank terminal; and the establishment and use of such a device or machine shall not be deemed a branch or limited service facility, and the capital requirements and standards for approval of a branch or limited service facility, all as set forth in subsections (b) and (c) of this section, shall not be applicable to the establishment of any such off-premises terminal device or machine."

SECTION 2. G.S. 54B-77(a) reads as rewritten:

"(a) In addition to the powers granted under this Chapter, any savings and loan association incorporated or operated under the provisions of this Chapter is herein authorized to:

- (1) Establish off the premises of any principal office or branch a customer communications terminal, point-of-sale terminal, automated teller machine, automated or other direct or remote information-processing device or machine, whether manned or unmanned, through or by

1 means of which funds or information relating to any financial service
2 or transaction rendered to the public is stored and transmitted,
3 instantaneously or otherwise to or from an association terminal or
4 terminals controlled or used by or with other parties; and the
5 establishment and use of such a device or machine shall not be deemed
6 to constitute a branch office and the capital requirements and standards
7 for approval of a branch office as set forth in the statutes and
8 regulations, shall not be applicable to the establishment of any such
9 off-premises terminal, device or machine; and associations may
10 through mutual consent share on-premises unmanned automated teller
11 machines and cash dispensers. The Commissioner of Banks may
12 prescribe rules and regulations with regard to the application for
13 permission for use, maintenance and supervision ~~of said~~ of, and the
14 safety of the public while operating or using terminals, devices and
15 machines; machines authorized by this subdivision;"

16 **SECTION 3.** G.S. 54C-146(a)(1) reads as rewritten:

17 "(a) In addition to the powers granted under this Chapter, but subject to any rules
18 that the Commissioner of Banks may prescribe, a savings bank incorporated or operated
19 under this Chapter may:

20 (1) Establish off the premises of any principal office or branch a customer
21 communications terminal, point of sale terminal, automated teller
22 machine, automated or other direct or remote information processing
23 device or machine, whether manned or unmanned, through or by
24 means of which funds or information relating to any financial service
25 or transaction rendered to the public is stored and transmitted,
26 instantaneously or otherwise to or from a savings bank terminal or
27 terminals controlled or used by or with other parties. The
28 establishment and use of a device or machine is not deemed to
29 constitute a branch office, and the capital requirements and standards
30 for approval of a branch office as set forth in the statutes and
31 regulations are not applicable to the establishment of any off-premises
32 terminal, device or machine. Savings banks may, through mutual
33 consent, share on-premises, unmanned, automated teller machines and
34 cash dispensers. The Commissioner of Banks shall adopt rules that
35 provide for the safety of the public while operating or using terminals,
36 devices, and machines authorized by this subdivision."

37 **SECTION 4.** On or before October 1, 2003, the Commissioner of Banks
38 shall adopt temporary rules to provide for the safety and protection of the public while
39 operating or using customer communications terminals, point-of-sale terminals,
40 automated teller machines, automated banking facilities, and other direct or remote
41 information processing devices and machines. In particular, the Commissioner shall
42 adopt temporary rules to require that the terminals, devices, and machines be equipped
43 with (i) safeguards such as posts or other barriers to prevent motor vehicles from
44 intruding into the area where customers stand to use or operate the terminals, devices,

1 and machines and (ii) intercoms, radios, or other means for customers to request and
2 receive emergency assistance.

3 **SECTION 5.** This act is effective when it becomes law.