

# HOUSE BILL 1028

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HB 180/10 – ECM

11r2372

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By: **Delegate Hixson**

Introduced and read first time: February 11, 2011

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Financial Institutions – Automated Teller Machines – Video Cameras**

3 FOR the purpose of requiring each operator of a certain automated teller machine to  
4 install and maintain a video camera that views and records certain activity of a  
5 user of the automated teller machine; requiring the operator to preserve the  
6 recordings made by the video camera for at least a certain number of days;  
7 providing that a video camera need not record banking transactions made at an  
8 automated teller machine; providing that an operator of a certain automated  
9 teller machine is not in violation of certain provisions of this Act under certain  
10 circumstances; providing that certain provisions of this Act do not apply to  
11 certain automated teller machines under certain circumstances; providing that  
12 this Act applies only to automated teller machines first installed on or after a  
13 certain date; and generally relating to automated teller machines.

14 BY repealing and reenacting, without amendments,  
15 Article – Financial Institutions  
16 Section 1–401(a) and (j)  
17 Annotated Code of Maryland  
18 (2003 Replacement Volume and 2010 Supplement)

19 BY adding to  
20 Article – Financial Institutions  
21 Section 1–402.1  
22 Annotated Code of Maryland  
23 (2003 Replacement Volume and 2010 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Financial Institutions**

4 1–401.

5 (a) In this subtitle the following words have the meanings indicated.

6 (j) “Operator” means a financial institution or other person that operates an  
7 automated teller machine.

8 **1–402.1.**

9 **(A) THIS SECTION DOES NOT APPLY TO AN AUTOMATED TELLER**  
10 **MACHINE THAT IS:**

11 **(1) LOCATED INSIDE A BUILDING UNLESS:**

12 **(I) THE BUILDING IS A FREESTANDING INSTALLATION**  
13 **THAT EXISTS SOLELY TO PROVIDE AN ENCLOSURE FOR THE AUTOMATED**  
14 **TELLER MACHINE; OR**

15 **(II) A USER OF THE AUTOMATED TELLER MACHINE IS ABLE**  
16 **TO CONDUCT A TRANSACTION FROM OUTSIDE THE BUILDING; OR**

17 **(2) OPERATED BY A FINANCIAL INSTITUTION, UNLESS THE**  
18 **AUTOMATED TELLER MACHINE IS LOCATED AT OR WITHIN OR ATTACHED TO**  
19 **PREMISES OWNED BY OR UNDER THE CONTROL OF THE FINANCIAL**  
20 **INSTITUTION.**

21 **(B) EACH OPERATOR OF AN AUTOMATED TELLER MACHINE SUBJECT TO**  
22 **THIS SECTION SHALL:**

23 **(1) INSTALL AND MAINTAIN A VIDEO CAMERA THAT VIEWS AND**  
24 **RECORDS ALL ACTIVITY OF A USER AS THE USER PERFORMS A TRANSACTION AT**  
25 **THE AUTOMATED TELLER MACHINE; AND**

26 **(2) PRESERVE THE RECORDINGS MADE BY THE VIDEO CAMERA**  
27 **FOR AT LEAST 45 DAYS.**

28 **(C) A VIDEO CAMERA REQUIRED UNDER SUBSECTION (B) OF THIS**  
29 **SECTION NEED NOT RECORD BANKING TRANSACTIONS MADE AT AN AUTOMATED**  
30 **TELLER MACHINE.**

1           **(D) AN OPERATOR OF AN AUTOMATED TELLER MACHINE SUBJECT TO**  
2 **THIS SECTION IS NOT IN VIOLATION OF THIS SECTION IF A VIDEO CAMERA**  
3 **REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MALFUNCTIONS DUE TO A**  
4 **REASON NOT WITHIN THE OPERATOR’S CONTROL.**

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act applies only to  
6 automated teller machines first installed on or after October 1, 2011.

7           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.