

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 219
96TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, February 24, 2011, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Removed from the Consent Calendar February 28, 2011.

Re-reported from the Committee on Financial and Governmental Organizations and Elections, March 3, 2011, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 219, adopted March 7, 2011.

Taken up for Perfection March 7, 2011. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

1084S.02P

AN ACT

To repeal sections 362.111 and 370.073, RSMo, and to enact in lieu thereof two new sections relating to international transactions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 362.111 and 370.073, RSMo, are repealed and two
2 new sections enacted in lieu thereof, to be known as sections 362.111 and
3 370.073, to read as follows:

362.111. 1. A bank or trust company may impose fees or service charges
2 on deposit accounts; however, such fees or service charges are subject to such
3 conditions or requirements that may be fixed by regulations pursuant to section
4 361.105 by the director of the division of finance and the state banking
5 board. Notwithstanding any law to the contrary, no such condition or
6 requirement shall be more restrictive than the fees or service charges on deposit
7 accounts or similar accounts permitted any federally chartered depository
8 institution.

9 **2. An agreement to operate or share an automated teller machine**
10 **shall not prohibit an owner or operator of the automated teller machine**
11 **from imposing, on an individual who conducts a transaction using a**
12 **foreign account, an access fee or surcharge that is not otherwise**
13 **prohibited under federal or state law.**

14 **3. As used in this section, the following terms mean:**

15 **(1) "Automated teller machine", any electronic device, wherever**

16 located, through which a consumer may initiate an electronic funds
17 transfer or may order, instruct, or authorize a financial institution to
18 debit or credit an account and includes any machine or device which
19 may be used to carry out electronic banking business. "Automated
20 teller machine" does not include point of sale terminals or telephones
21 or personal computers operated by a consumer;

22 (2) "Foreign account", an account with a financial institution
23 located outside the United States.

370.073. 1. A credit union may impose fees or service charges on deposit
2 accounts or similar accounts; however, such fees or service charges are subject to
3 such conditions or requirements that may be fixed by regulations pursuant to this
4 chapter by the director of credit union supervision and the credit union
5 commission. Notwithstanding any law to the contrary, no such condition or
6 requirement shall be more restrictive than the fees or service charges on deposit
7 accounts or similar accounts permitted any federally chartered depository
8 institution.

9 2. An agreement to operate or share an automated teller machine
10 shall not prohibit an owner or operator of the automated teller machine
11 from imposing, on an individual who conducts a transaction using a
12 foreign account, an access fee or surcharge that is not otherwise
13 prohibited under federal or state law.

14 3. As used in this section the following terms mean:

15 (1) "Automated teller machine", any electronic device, wherever
16 located, through which a consumer may initiate an electronic funds
17 transfer or may order, instruct, or authorize a financial institution to
18 debit or credit an account and includes any machine or device which
19 may be used to carry out electronic banking business. "Automated
20 teller machine" does not include point of sale terminals or telephones
21 or personal computers operated by a consumer;

22 (2) "Foreign account", an account with a financial institution
23 located outside the United States.

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