

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5836**

A bill to amend 1978 PA 322, entitled

"An act to authorize financial institutions to make electronic funds transfer terminals available to their customers; to protect the privacy and security of customers; to prohibit unfair discrimination among financial institutions and monopolistic practices in the use and availability of electronic funds transfer terminals; to prescribe remedies; and to prescribe penalties,"

by amending section 2 (MCL 488.2), as amended by 2003 PA 220.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) "Available" means ~~and includes~~ all deposit account
2 functions ~~which~~ **THAT** are performed from time to time by the
3 particular electronic funds transfer terminal.

4 (2) "Bank" means that term as defined in section 1201 of the
5 banking code of 1999, 1999 PA 276, MCL 487.11201, or a national
6 banking association **THAT IS** established under the laws of the
7 United States ~~having~~ **AND HAS** its main office in this state.

1 (3) "Branch" ~~, as it applies to:~~ **MEANS ANY OF THE FOLLOWING:**

2 (a) ~~A FOR A~~ state credit union, ~~means~~ a branch as defined in
3 section 102 of the credit union act, **2003 PA 215, MCL 490.102**, and
4 a service center as defined in section 103 of the credit union act,
5 **2003 PA 215, MCL 490.103**.

6 (b) ~~A FOR A~~ federal credit union, ~~means~~ a branch ~~place of~~
7 ~~business~~ as defined in section 101 of the federal credit union act,
8 ~~chapter 750, 48 Stat. 1216, 12 U.S.C. USC~~ 1752, and applicable
9 regulations.

10 ~~— (c) A state savings and loan association, means a branch~~
11 ~~office as defined in section 112 of the savings and loan act of~~
12 ~~1980, 1980 PA 307, MCL 491.112, and also includes an agency as~~
13 ~~defined in section 106 of the savings and loan act of 1980, 1980 PA~~
14 ~~307, MCL 491.106, that is established before the effective date of~~
15 ~~this act.~~

16 (C) ~~(d) A FOR A~~ federal savings and loan association, ~~means~~ a
17 branch office as defined by the regulations of the federal home
18 loan bank board pursuant to the federal home loan bank act, ~~chapter~~
19 ~~522, 47 Stat. 725, 12 USC 1421 TO 1449~~, but does not include a
20 mobile facility, satellite office, or an agency established after
21 ~~the effective date of this act.~~ **JANUARY 1, 1979.**

22 (D) ~~(e) A FOR A~~ state bank, ~~means~~ a branch as defined in
23 section 1201 of the banking code of 1999, 1999 PA 276, MCL
24 487.11201.

25 (E) ~~(f) A FOR A~~ national banking association, ~~means~~ a branch
26 ~~place of business~~ as defined in 12 U.S.C. ~~USC~~ 36.

27 (4) "Consumer finance company" means a licensee under the

1 regulatory loan act, 1939 PA 21, MCL 493.1 to 493.24.

2 Enacting section 1. This amendatory act takes effect December
3 31, 2012.

4 Enacting section 2. This amendatory act does not take effect
5 unless House Bill No. 5835 of the 96th Legislature is enacted into
6 law.