

HOUSE BILL No. 5836

August 15, 2012, Introduced by Rep. Jenkins and referred to the Committee on Banking and Financial Services.

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

1 United States ~~having~~ **AND HAS** its main office in this state.

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

3 (a) ~~A~~ **FOR A** state credit union, ~~means~~ a branch as defined in
4 section 102 of the credit union act, **2003 PA 215, MCL 490.102**, and
5 a service center as defined in section 103 of the credit union act,
6 **2003 PA 215, MCL 490.103**.

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

11 (c) ~~A~~ **FOR A** state savings and loan association, ~~means~~ a branch
12 office as defined in **FORMER** section 112 of the savings and loan act
13 of 1980, **FORMER** 1980 PA 307, ~~MCL 491.112~~, and also includes an
14 agency as defined in **FORMER** section 106 of the savings and loan act
15 of 1980, **FORMER** 1980 PA 307, ~~MCL 491.106~~, that is established
16 before ~~the effective date of this act.~~ **JANUARY 1, 1979**.

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

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

25 (f) ~~A~~ **FOR A** national banking association, ~~means~~ a branch ~~place~~
26 ~~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 Senate Bill No.____ or House Bill No.____ (request no.
6 04504'11) of the 96th Legislature is enacted into law.