

By: Leibowitz

H.B. No. 694

Substitute the following for H.B. No. 694:

By: Guillen

C.S.H.B. No. 694

A BILL TO BE ENTITLED

1

AN ACT

2 relating to disclosure of electronic terminal withdrawal limits;
3 providing a civil penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter C, Chapter 59, Finance Code, is
6 amended by adding Section 59.203 to read as follows:

7 Sec. 59.203. DISCLOSURE OF WITHDRAWAL LIMIT BY OPERATOR OF
8 ELECTRONIC TERMINAL. (a) This section applies to an electronic
9 terminal operator who:

10 (1) operates an electronic terminal at which a user
11 initiates electronic fund transfers; and

12 (2) is not:

13 (A) the financial institution with which the user
14 has the account from which the transfer is made; or

15 (B) an institution the deposits of which are
16 insured by the Federal Deposit Insurance Corporation.

17 (b) An electronic terminal operator required by 15 U.S.C.
18 Section 1693b to give notice to the electronic terminal user of any
19 fee imposed on the user for providing electronic fund transfer
20 services shall also:

21 (1) disclose to the user of the electronic terminal
22 any limit imposed by the operator of the electronic terminal on the
23 amount of a cash withdrawal from the electronic terminal before the
24 transaction is completed; and

1 (2) allow the user to cancel the transaction without
2 incurring any fee.

3 (c) The notice required under Subsection (b) must be
4 displayed by the electronic terminal at the time service is
5 provided or posted in a prominent and conspicuous location on or at
6 the electronic terminal at which the electronic fund transfer is
7 initiated by the user.

8 (d) An electronic terminal operator who violates this
9 section is liable for a civil penalty of \$500 for each electronic
10 terminal not in compliance with this section. The attorney general
11 may bring an action to recover the civil penalty.

12 (e) This section does not apply to an electronic terminal
13 that has a withdrawal limit of \$200 or more.

14 SECTION 2. This Act takes effect September 1, 2005.