

By: Leibowitz

H.B. No. 694

A BILL TO BE ENTITLED

AN ACT

1
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 the financial institution with which the
13 user has the account from which the transfer is made.

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

18 (1) disclose to the user of the electronic terminal
19 any limit imposed by the operator of the electronic terminal on a
20 withdrawal from the electronic terminal before the transaction is
21 completed; and

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

24 (c) The notice required under Subsection (b) must be

1 displayed by the electronic terminal at the time service is
2 provided and posted in a prominent and conspicuous location on or at
3 the electronic terminal at which the electronic fund transfer is
4 initiated by the user.

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

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