

1975 Senate Bill 828

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### CHAPTER 391, Laws of 1975

AN ACT to amend 215.13 (46) (a) 1 and 221.04 (1) (k) 1; and to create 215.13 (46) (a) 3 to 5 and 221.04 (1) (k) 3 to 5 of the statutes, relating to bank communications devices and savings and loan association remote service units.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 215.13 (46) (a) 1 of the statutes, as created by chapter \_\_\_\_\_ (Senate Bill 415), laws of 1975, is amended to read:

215.13 (46) (a) 1. Directly or indirectly, to acquire, place and operate, or participate in the acquisition, placement and operation of, at locations other than its main or branch offices, remote service units, ~~as defined by, and~~ in accordance with, rules established by the commissioner. Remote service units established in accordance with such rules are not subject to sub. (39) or (40) or s. 215.03 (9) or 215.23 (5). The rules of the commissioner shall provide that any such remote service unit shall be available for use, on a nondiscriminatory basis, by any state or federal savings and loan association which has its principal place of business in this state, by any other savings and loan association obtaining the consent of a state or federal savings and loan association which has its principal place of business in this state and is using the terminal and by all customers designated by a savings and loan association using the unit. This paragraph does not authorize a savings and loan association which has its principal place of business outside this state to conduct business as a savings and loan association in this state. The remote service units also shall be available for use, on a nondiscriminatory basis, by any state or national bank or mutual savings bank, whose home office is located in this state, if the bank or mutual savings bank requests to share its use, subject to the joint rules established under s. 221.04 (1) (k). The rules of the commissioner shall prohibit any advertising with regard to a shared remote service unit which suggests or implies exclusive ownership or control of the shared unit by any savings and loan association or group of savings and loan associations operating or participating in the operation of the unit. The commissioner by order may authorize the installation and operation of a remote service unit in a mobile facility, after notice and hearing upon the proposed service stops of the mobile facility.

SECTION 2. 215.13 (46) (a) 3 to 5 of the statutes are created to read:

215.13 (46) (a) 3. If any person primarily engaged in the retail sale of goods or services owns or operates a remote service unit on such person's premises and allows access to the unit by any financial institution, group of financial institutions or their customers, nothing in this paragraph or in rules established by the commissioner shall, or shall be construed or interpreted to, require such person to accept any connection to or use of the unit on its premises for any other purpose or function or to accept any connection to the unit on its premises by any other financial institution.

4. If a person primarily engaged in the retail sale of goods or services owns or operates a remote service unit on such person's premises and allows access to the unit by any financial institution, group of financial institutions or their customers for any purpose or function, no laws governing such institutions or rules established by the commissioner shall apply to such person other than those laws or rules directly related

to the particular function performed by the unit on such person's premises for a financial institution.

5. Information transmitted from a remote service unit, either identified as to particular transactions or aggregate information, shall only be used for purposes of effecting the financial transactions for which such information was received, for any other purpose lawfully authorized by contract, or for any other purpose permitted by statute and rules pertaining to the dissemination and disclosure of such information.

SECTION 3. 221.04 (1) (k) 1 of the statutes, as created by chapter \_\_\_\_\_ (Senate Bill 415), laws of 1975, is amended to read:

221.04 (1) (k) 1. Directly or indirectly, to acquire, place and operate, or participate in the acquisition, placement and operation of, at locations other than its main or branch offices, customer bank communications terminals, ~~as defined by, and~~ in accordance with, rules established by the commissioner. Terminals established in accordance with such rules are not subject to the limitations of par. (i) or (j) or s. 221.14 (4m). The rules of the commissioner shall provide that any such customer bank communications terminal shall be available for use, on a nondiscriminatory basis, by any state or national bank which has its principal place of business in this state, by any other bank obtaining the consent of a state or national bank which has its principal place of business in this state and is using the terminal and by all customers designated by a bank using the terminal. This paragraph does not authorize a bank which has its principal place of business outside this state to conduct banking business in this state. The customer bank communications terminals also shall be available for use, on a nondiscriminatory basis, by any savings and loan association or mutual savings bank, whose home office is located in this state, if the savings and loan association or mutual savings bank requests to share its use, subject to rules jointly established by the commissioner of banking and the commissioner of savings and loan. The rules of the commissioner and the joint rules shall each prohibit any advertising with regard to a shared terminal which suggests or implies exclusive ownership or control of the shared terminal by any financial institution or group of financial institutions operating or participating in the operation of the terminal. The commissioner by order may authorize the installation and operation of a customer bank communications terminal in a mobile facility, after notice and hearing upon the proposed service stops of the mobile facility.

SECTION 4. 221.04 (1) (k) 3 to 5 of the statutes are created to read:

221.04 (1) (k) 3. If any person primarily engaged in the retail sale of goods or services owns or operates a customer bank communications terminal on such person's premises and allows access to such terminal by any financial institution, group of financial institutions, or their customers for any purpose or function nothing in this paragraph or in rules established by the commissioner shall, or shall be construed or interpreted to, require such person to accept any connection to or use of the customer bank communications terminal on its premises for any other purpose or function or to accept any connection to the terminal on its premises by any other financial institution.

4. If a person primarily engaged in the retail sale of goods or services owns or operates a customer bank communications terminal on such person's premises and allows access to the terminal by any financial institution, group of financial institutions or their customers for any purpose or function, no laws governing such institutions or rules established by the commissioner shall apply to such person other than those laws or rules directly related to the particular function performed by the terminal on such person's premises for a financial institution.

5. Information transmitted from a customer bank communications terminal, either identified as to particular transactions or aggregate information, shall only be used for purposes of effecting the financial transactions for which such information was received, for any other purpose lawfully authorized by contract or for any other purpose permitted by statute or rules pertaining to the dissemination and disclosure of such information.

SECTION 5. **Effective date.** This act shall take effect on the day after its publication or on the effective date of chapter \_\_\_\_\_ (Senate Bill 415), laws of 1975, whichever is later.

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