

SENATE RESOLUTION NO. 102

BY JENSEN and GRONSTAL

A Senate Resolution requesting that Congress reaffirm the rights of states to regulate automated teller machines and the fees and charges assessed by financial institutions.

WHEREAS, the Electronic Funds Transfer Act, 15 U.S.C. § 1693, adopted by the United States Congress, provides a basic framework establishing the rights, liabilities, and responsibilities of participants in electronic funds transfer systems with its primary objective being the protection of individual consumer rights; and

WHEREAS, the Electronic Funds Transfer Act permits the individual states to regulate electronic funds transfers to the extent that state law is not inconsistent with the Electronic Funds Transfer Act, and provides that state law is not inconsistent if it affords greater protection to consumers than is afforded by the Electronic Funds Transfer Act; and

WHEREAS, Iowa has enacted Iowa Code chapter 527 to regulate electronic funds transfers including the establishment and operation of automated teller machines and related fees, charges, and procedures to provide greater protections to consumers than is afforded by the Electronic Funds Transfer Act; and

WHEREAS, certain out-of-state national banks, supported by the office of the United States Comptroller of the Currency, are attempting to judicially preempt the Iowa law in order that

(AS AMENDED AND PASSED BY THE SENATE MARCH 22, 2000)

ALL New Language by the Senate

1 automated teller machines may be placed and operated
2 in Iowa without complying with Iowa law; NOW

3 THEREFORE,

4 BE IT RESOLVED BY THE SENATE, That the United
5 States Congress reaffirm the rights of individual
6 states to regulate electronic funds transfers,
7 including the rights and liabilities of consumers and
8 financial institutions, the operation of automated
9 teller machines and remote service units, and related
10 fees, charges, and procedures, to the extent not
11 inconsistent with the Electronic Funds Transfer Act,
12 in order to protect the rights of consumers and all
13 other parties associated with electronic funds
14 transfers; and

15 BE IT FURTHER RESOLVED, That, upon adoption, an
16 official copy of this Resolution be delivered to each
17 member of Iowa's congressional delegation.

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SEVENTY-EIGHTH GENERAL ASSEMBLY
2000 REGULAR SESSION
DAILY

SENATE CLIP SHEET

FEBRUARY 2, 2000

SENATE RESOLUTION 102

S-5003

1 Amend Senate Resolution 102 as follows:

2 1. By striking page 1, line 3 through page 2,
3 line 1, and inserting the following:

4 "A Senate Resolution requesting that Congress
5 reaffirm the rights of states to regulate automated
6 teller machines and the fees and charges assessed by
7 financial institutions.

8 WHEREAS, the Electronic Funds Transfer Act, 15
9 U.S.C. § 1693, adopted by the United States Congress,
10 provides a basic framework establishing the rights,
11 liabilities, and responsibilities of participants in
12 electronic funds transfer systems with its primary
13 objective being the protection of individual consumer
14 rights; and

15 WHEREAS, the Electronic Funds Transfer Act permits
16 the individual states to regulate electronic funds
17 transfers to the extent that state law is not
18 inconsistent with the Electronic Funds Transfer Act,
19 and provides that state law is not inconsistent if it
20 affords greater protection to consumers than is
21 afforded by the Electronic Funds Transfer Act; and

22 WHEREAS, Iowa has enacted Iowa Code chapter 527 to
23 regulate electronic funds transfers including the
24 establishment and operation of automated teller
25 machines and related fees, charges, and procedures to
26 provide greater protections to consumers than is
27 afforded by the Electronic Funds Transfer Act; and

28 WHEREAS, certain out-of-state national banks,
29 supported by the office of the United States
30 Comptroller of the Currency, are attempting to
31 judicially preempt the Iowa law in order that
32 automated teller machines may be placed and operated
33 in Iowa without complying with Iowa law; NOW
34 THEREFORE,

35 BE IT RESOLVED BY THE SENATE, That the United
36 States Congress reaffirm the rights of individual
37 states to regulate electronic funds transfers,
38 including the rights and liabilities of consumers and
39 financial institutions, the operation of automated
40 teller machines and remote service units, and related
41 fees, charges, and procedures, to the extent not
42 inconsistent with the Electronic Funds Transfer Act,
43 in order to protect the rights of consumers and all
44 other parties associated with electronic funds
45 transfers; and

46 BE IT FURTHER RESOLVED, That, upon adoption, an
47 official copy of this Resolution be delivered to each
48 member of Iowa's congressional delegation."

By COMMITTEE ON COMMERCE

JOHN W. JENSEN, Chairperson

Adopted 3/22/00 (p. 805)

COMMERCE

(P. 805) 3/22/00 Adopted

FILED JAN 25 2000

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SENATE RESOLUTION NO. 102

BY JENSEN and GRONSTAL

A Senate Resolution requesting that Congress grant states the authority to regulate automatic teller machine or satellite terminal charges assessed by financial institutions.

WHEREAS, financial institutions have been increasingly instituting fees and charges on transactions involving the use of satellite terminals which are also known as automatic teller machines; and

WHEREAS, such transaction fees and charges can often be exorbitant, especially for consumers using a satellite terminal owned and maintained by a bank with which the consumer does not maintain an account; and

WHEREAS, the states have traditionally engaged in the role as primary regulator of financial institutions as a whole, and have fulfilled this role effectively while protecting the rights of both

consumers and financial institutions; and
WHEREAS, recent attempts to control the increase of such fees have met with little or limited success; NOW
THEREFORE,

BE IT RESOLVED BY THE SENATE, That the United States Congress grant states the authority to regulate charges assessed to consumers for the use of satellite terminals so that the rights of all parties associated with satellite terminal transactions are protected; and

BE IT FURTHER RESOLVED, That, upon adoption, an official copy of this resolution be delivered to each

SR 102 COMMERCE

SR102

1 member of Iowa's congressional delegation.

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