

SECOND REGULAR SESSION

# SENATE BILL NO. 773

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR DEMPSEY.

Read 1st time January 13, 2010, and ordered printed.

4190S.021

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal section 362.111, RSMo, and to enact in lieu thereof one new section relating to international transactions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 362.111, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 362.111, to read as follows:

362.111. 1. A bank or trust company may impose fees or service charges  
2 on deposit accounts; however, such fees or service charges are subject to such  
3 conditions or requirements that may be fixed by regulations pursuant to section  
4 361.105, RSMo, by the director of the division of finance and the state banking  
5 board. Notwithstanding any law to the contrary, no such condition or  
6 requirement shall be more restrictive than the fees or service charges on deposit  
7 accounts or similar accounts permitted any federally chartered depository  
8 institution.

9       **2. An agreement to operate or share an automated teller machine**  
10 **shall not prohibit an owner or operator of the automated teller machine**  
11 **from imposing, on an individual who conducts a transaction using a**  
12 **foreign account, an access fee or surcharge that is not otherwise**  
13 **prohibited under federal or state law.**

14       **3. As used in this section, the following terms mean:**

15       **(1) "Automated teller machine", any electronic device, wherever**  
16 **located, through which a consumer may initiate an electronic funds**  
17 **transfer or may order, instruct, or authorize a financial institution to**  
18 **debit or credit an account and includes any machine or device which**  
19 **may be used to carry out electronic banking business. "Automated**

20 teller machine" does not include point of sale terminals or telephones  
21 or personal computers operated by a consumer;  
22 (2) "Foreign account", an account with a financial institution  
23 located outside the United States.

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