



Sen. Antonio Muñoz

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1 AMENDMENT TO SENATE BILL 331

2 AMENDMENT NO. _____. Amend Senate Bill 331 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Electronic Fund Transfer Act is amended by
5 changing Section 30 as follows:

6 (205 ILCS 616/30)

7 Sec. 30. Acceptance of deposits.

8 (A) No terminal that accepts deposits of funds to an
9 account may be established or owned in this State except by (a)
10 a bank established under the laws of this or any other state or
11 established under the laws of the United States that (1) is
12 authorized by law to establish a branch in this State or (2) is
13 permitted by rule of the Commissioner to establish
14 deposit-taking terminals in this State in order to maintain
15 parity between national banks and banks established under the
16 laws of this or any other state, (b) a savings and loan

1 association or savings bank established under the laws of this
2 or any other state or established under the laws of the United
3 States, (c) a credit union established under the laws of this
4 or any other state or established under the laws of the United
5 States, or (d) a licensee under the Consumer Installment Loan
6 Act or the Sales Finance Agency Act.

7 (B) A person other than a financial institution or an
8 affiliate of a financial institution may establish or own, in
9 whole or in part, a cash-dispensing terminal at which an
10 interchange transaction may be performed, provided that the
11 terminal does not accept deposits of funds to an account, and
12 provided that the person establishing or owning the terminal
13 must post a telephone number on the terminal for consumers to
14 call to report problems, along with the Department's telephone
15 number. The Commissioner or examiners appointed by the
16 Commissioner shall have the authority to examine any person
17 that has established or owns a terminal in this State pursuant
18 to this subsection (B) if the Commissioner has received
19 multiple complaints regarding one or more terminals owned by
20 the person, and in the event of such an examination, the person
21 shall pay the reasonable costs and expenses of the examination
22 as determined by the Commissioner. The Commissioner may impose
23 civil penalties of up to \$100 ~~\$1,000~~ against any person subject
24 to this subsection (B) for each ~~the first~~ failure to comply
25 with this Act but in no event shall any person be subject to
26 civil penalties under this subsection (B) of more than \$1,000

1 for violations of this subsection (B) and up to \$10,000 for the
2 second and each subsequent failure to comply with this Act. All
3 moneys received by the Commissioner under this subsection (B)
4 shall be paid into, and all expenses incurred by the
5 Commissioner under this subsection (B) shall be paid from, the
6 Bank and Trust Company Fund.

7 (C) A network operating in this State shall maintain a
8 directory of the locations of cash-dispensing terminals at
9 which an interchange transaction may be performed that are
10 established or owned in this State by its members and shall
11 file the directory with the Commissioner within 60 days after
12 the effective date of this amendatory Act of 1997 and
13 thereafter once per calendar year.

14 (Source: P.A. 100-5, eff. 6-30-17.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."