

# SB1329



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1329

Introduced 2/9/2017, by Sen. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

20 ILCS 3205/6 from Ch. 17, par. 456  
205 ILCS 616/30  
205 ILCS 690/Act rep.

Amends the Electronic Fund Transfer Act. Requires that a person who establishes or owns specified cash-dispensing terminals must post a telephone number on the terminal for consumers to call to report problems, along with the telephone number of the Department of Financial and Professional Regulation (rather than file notices of establishment or ownership with the Secretary of Financial and Professional Regulation). Repeals the Check Printer and Check Number Act and makes a conforming change in the Division of Banking Act. Effective immediately.

LRB100 05756 SMS 15779 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Division of Banking Act is amended by  
5 changing Section 6 as follows:

6 (20 ILCS 3205/6) (from Ch. 17, par. 456)

7 Sec. 6. Duties. The Commissioner shall direct and supervise  
8 all the administrative and technical activities of the Office  
9 and shall:

10 (a) Apply and carry out this Act and the law and all rules  
11 adopted in pursuance thereof.

12 (b) Appoint, subject to the provisions of the Personnel  
13 Code, such employees, experts, and special assistants as may be  
14 necessary to carry out effectively the provisions of this Act  
15 and, if the rate of compensation is not otherwise fixed by law,  
16 fix their compensation; but neither the Commissioner nor any  
17 deputy commissioner shall be subject to the Personnel Code.

18 (c) Serve as Chairman of the State Banking Board of  
19 Illinois.

20 (d) Serve as Chairman of the Board of Trustees of the  
21 Illinois Bank Examiners' Education Foundation.

22 (e) Issue guidelines in the form of rules or regulations  
23 which will prohibit discrimination by any State chartered bank

1 against any individual, corporation, partnership, association  
2 or other entity because it appears in a so-called blacklist  
3 issued by any domestic or foreign corporate or governmental  
4 entity.

5 (f) Make an annual report to the Governor regarding the  
6 work of the Office as the Commissioner may consider desirable  
7 or as the Governor may request.

8 (g) Perform such other acts as may be requested by the  
9 State Banking Board of Illinois pursuant to its lawful powers  
10 and perform any other lawful act that the Commissioner  
11 considers to be necessary or desirable to carry out the  
12 purposes and provisions of this Act.

13 (h) Adopt, in accordance with the Illinois Administrative  
14 Procedure Act, reasonable rules that the Commissioner deems  
15 necessary for the proper administration and enforcement of any  
16 Act the administration of which is vested in the Commissioner  
17 or the Office of Banks and Real Estate.

18 (i) Work in cooperation with the Director of Aging to  
19 encourage all financial institutions regulated by the Office to  
20 participate fully in the Department on Aging's financial  
21 exploitation of the elderly intervention program.

22 (j) Deposit all funds received, including civil penalties,  
23 pursuant to the Illinois Banking Act, the Corporate Fiduciary  
24 Act, and the Illinois Bank Holding Company Act of 1957, ~~and the~~  
25 ~~Check Printer and Check Number Act~~ in the Bank and Trust  
26 Company Fund.

1 (Source: P.A. 97-492, eff. 1-1-12.)

2 Section 10. The Electronic Fund Transfer Act is amended by  
3 changing Section 30 as follows:

4 (205 ILCS 616/30)

5 Sec. 30. Acceptance of deposits.

6 (A) No terminal that accepts deposits of funds to an  
7 account may be established or owned in this State except by (a)  
8 a bank established under the laws of this or any other state or  
9 established under the laws of the United States that (1) is  
10 authorized by law to establish a branch in this State or (2) is  
11 permitted by rule of the Commissioner to establish  
12 deposit-taking terminals in this State in order to maintain  
13 parity between national banks and banks established under the  
14 laws of this or any other state, (b) a savings and loan  
15 association or savings bank established under the laws of this  
16 or any other state or established under the laws of the United  
17 States, (c) a credit union established under the laws of this  
18 or any other state or established under the laws of the United  
19 States, or (d) a licensee under the Consumer Installment Loan  
20 Act or the Sales Finance Agency Act.

21 (B) A person other than a financial institution or an  
22 affiliate of a financial institution may establish or own, in  
23 whole or in part, a cash-dispensing terminal at which an  
24 interchange transaction may be performed, provided that the

1 terminal does not accept deposits of funds to an account, and  
2 provided that the person establishing or owning the terminal  
3 must post a telephone number on the terminal for consumers to  
4 call to report problems, along with the Department's telephone  
5 number. ~~shall file a notice of establishment or ownership of a~~  
6 ~~terminal with the Commissioner, in the form prescribed by the~~  
7 ~~Commissioner, within 60 days after the later of (a) the~~  
8 ~~effective day of this amendatory Act of 1997 or (b) the~~  
9 ~~establishment of or acquisition of an ownership interest in the~~  
10 ~~terminal. Persons who own a terminal pursuant to this~~  
11 ~~subsection (B) shall thereafter file with the Commissioner a~~  
12 ~~full and accurate statement of information of ownership, in the~~  
13 ~~form prescribed by the Commissioner, once per calendar year. A~~  
14 ~~person who has established or owns a terminal pursuant to this~~  
15 ~~subsection (B) shall not be required to file subsequent notices~~  
16 ~~of establishment or ownership of a terminal when establishing~~  
17 ~~or acquiring an ownership interest in additional terminals~~  
18 ~~provided the person includes the information required by the~~  
19 ~~Commissioner for those terminals in the person's annual filing~~  
20 ~~pursuant to this subsection (B).~~ The Commissioner or examiners  
21 appointed by the Commissioner shall have the authority to  
22 examine any person that has established or owns a terminal in  
23 this State pursuant to this subsection (B) if the Commissioner  
24 has received multiple complaints regarding one or more  
25 terminals owned by the person, and in the event of such an  
26 examination, the person shall pay the reasonable costs and

1 expenses of the examination as determined by the Commissioner.  
2 The Commissioner may impose civil penalties of up to \$1,000  
3 against any person subject to this subsection (B) for the first  
4 failure to comply with this Act and up to \$10,000 for the  
5 second and each subsequent failure to comply with this Act. All  
6 moneys received by the Commissioner under this subsection (B)  
7 shall be paid into, and all expenses incurred by the  
8 Commissioner under this subsection (B) shall be paid from, the  
9 Bank and Trust Company Fund.

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

17 (Source: P.A. 89-310, eff. 1-1-96; 90-189, eff. 1-1-98.)

18 (205 ILCS 690/Act rep.)

19 Section 15. The Check Printer and Check Number Act is  
20 repealed.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.