

SENATE BILL 658

C2

6lr2029

By: **Senator Benson**

Introduced and read first time: February 5, 2016

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 31, 2016

CHAPTER _____

1 AN ACT concerning

2 **Retail Business Owners – Automated Teller Machines – Notice of Skimming**
3 **Device**

4 FOR the purpose of requiring the owner of a retail business with an automated teller
5 machine located on the premises of the business who has knowledge of an illegal
6 skimming device installed on or near the automated teller machine to ~~post a certain~~
7 ~~notice in a certain manner and to keep the notice posted for a certain period of time~~
8 notify the operator of the automated teller machine of the existence of a certain
9 skimming device and certain information to identify the automated teller machine
10 under certain circumstances; providing for the application of this Act; defining a
11 certain term; and generally relating to automated teller machines located on retail
12 business premises.

13 BY adding to

14 Article – Business Regulation

15 Section 19–104

16 Annotated Code of Maryland

17 (2015 Replacement Volume and 2015 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Business Regulation**

21 **19–104.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(A) IN THIS SECTION, "OPERATOR" HAS THE MEANING STATED IN § 1-401**
 2 **OF THE FINANCIAL INSTITUTIONS ARTICLE.**

3 **(B) THIS SECTION DOES NOT APPLY TO THE OWNER OF A RETAIL BUSINESS**
 4 **THAT IS A BANK OR CREDIT UNION.**

5 **(C) IF THE OWNER OF A RETAIL BUSINESS WITH AN AUTOMATED TELLER**
 6 **MACHINE LOCATED ON THE PREMISES ~~OF THE~~ WHERE THE RETAIL BUSINESS IS**
 7 **OPERATED** HAS KNOWLEDGE THAT THE AUTOMATED TELLER MACHINE HAS AN
 8 ILLEGAL SKIMMING DEVICE INSTALLED ON OR NEAR IT, THE RETAIL BUSINESS
 9 OWNER SHALL:

10 ~~**(1) POST IN A CONSPICUOUS PLACE ON OR NEAR THE AUTOMATED**~~
 11 ~~**TELLER MACHINE A NOTICE THAT WARNS CUSTOMERS OF THE AUTOMATED TELLER**~~
 12 ~~**MACHINE THAT IT HAS AN ILLEGAL SKIMMING DEVICE INSTALLED ON OR NEAR IT;**~~
 13 ~~**AND**~~

14 ~~**(2) KEEP THE NOTICE POSTED UNDER ITEM (1) OF THIS SECTION**~~
 15 ~~**UNTIL THE ILLEGAL SKIMMING DEVICE IS REMOVED FROM THE AUTOMATED TELLER**~~
 16 ~~**MACHINE BY THE APPROPRIATE ENTITY**~~ **IMMEDIATELY NOTIFY THE OPERATOR OF**
 17 **THE AUTOMATED TELLER MACHINE ABOUT:**

18 **(1) THE EXISTENCE OF THE SKIMMING DEVICE; AND**

19 **(2) THE LOCATION AND OTHER IDENTIFYING INFORMATION ABOUT**
 20 **THE AUTOMATED TELLER MACHINE TO ASSIST THE OPERATOR IN IDENTIFYING THE**
 21 **AFFECTED AUTOMATED TELLER MACHINE.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 23 October 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.