

1 *House* BILL NO. *276*
 2 INTRODUCED BY *McEltrick* *Lockren* *Reading* *Lehr*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 5-1028, R.C.M. 1947, TO PROVIDE FOR ADDITIONAL DRIVE-IN AND
 6 WALK-UP BANKING FACILITIES IN OR WITHIN CERTAIN DISTANCES
 7 FROM THE CITY LIMITS IN CITIES OF NOT LESS THAN FIVE
 8 THOUSAND INHABITANTS; PROVIDING FOR AN IMMEDIATE EFFECTIVE
 9 DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 5-1028, R.C.M. 1947, is amended to
 13 read as follows:

14 "5-1028. Branch bank prohibited--exceptions. (1) No
 15 bank shall maintain any branch bank, receive deposits or pay
 16 checks, except over the counter of and in its own banking
 17 house. Provided, that nothing in this section shall prohibit
 18 ordinary clearinghouse transactions between banks.

19 (2) With the prior approval of the superintendent of
 20 banks, any bank doing business in this state may establish
 21 and maintain not more than one (1) detached drive-in and
 22 walk-up facility consisting of one (1) or more teller's
 23 windows. The distance of the facility from the main banking
 24 house shall not exceed one thousand (1,000) feet measured in
 25 a straight line from the closest point of the main banking

1 house to the farthest point of the detached facility. The
 2 facility shall not be closer than two hundred (200) feet to
 3 a facility operated by any other bank nor closer than three
 4 hundred (300) feet to the main banking house of any other
 5 bank, the measurement to be made in a straight line from the
 6 closest points of the closest structures involved. The
 7 distances herein specified in relation to a facility
 8 operated by any other bank and in relation to the main
 9 banking house of any other bank may be decreased by mutual
 10 written agreement of the banks involved to not closer than
 11 one hundred and fifty (150) feet to a facility operated by
 12 any other bank nor closer than two hundred (200) feet to the
 13 main banking house of any other bank, the measurement to be
 14 made in a straight line from the closest points of the
 15 closest structures involved. The service of the facility
 16 shall be limited to receiving deposits of every kind,
 17 cashing checks or orders to pay, receiving payments payable
 18 at the bank and such other transactions as are normally and
 19 usually conducted or handled at tellers' windows in the main
 20 banking house.

21 (3) And, in addition to the foregoing, it is further
 22 provided that with the prior approval of the superintendent
 23 of banks, any bank doing business in this state, whose
 24 banking house is located within the corporate limits of a
 25 city which had a population of not less than five thousand

1 (5,000) persons according to the last official United States
2 census, may establish and maintain not more than two (2)
3 additional detached drive-in and walk-up facilities, manned
4 or unmanned, as described in and having the powers and the
5 limitations set forth in subsection (2) of this section.
6 The facilities may be located either within or outside the
7 city limits. If located outside the city limits it must be
8 not more than seven (7) miles in a straight line from the
9 nearest city limits of the city wherein the main banking
10 house is located."

11 Section 2. Severability. If a part of this act is
12 invalid, all valid parts that are severable from the invalid
13 part remain in effect. If a part of this act is invalid in
14 one or more of its applications, the part remains in effect
15 in all valid applications that are severable from the
16 invalid applications.

17 Section 3. This act is effective upon its passage and
18 approval.

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Approved by Committee
on Business and Industry

HOUSE BILL NO. 276

INTRODUCED BY MCKITTRICK, LOCKREM, BRADLEY, GERKE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 5-1028, R.C.M. 1947, TO PROVIDE FOR ADDITIONAL DRIVE-IN AND WALK-UP BANKING FACILITIES ~~IN-OR~~ WITHIN ~~CERTAIN--DISTANCES~~ FROM THE CITY LIMITS IN CITIES OF NOT LESS THAN FIVE THOUSAND INHABITANTS; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE."

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Section 1. Section 5-1028, R.C.M. 1947, is amended to read as follows:

"5-1028. Branch bank prohibited -- exceptions. (1) No bank shall maintain any branch bank, receive deposits or pay checks, except over the counter of and in its own banking house. Provided, that nothing in this section shall prohibit ordinary clearinghouse transactions between banks.

(2) With the prior approval of the superintendent of banks, any bank doing business in this state may establish and maintain not more than one (1) detached drive-in and walk-up facility consisting of one (1) or more teller's windows. The distance of the facility from the main banking house shall not exceed one thousand (1,000) feet measured in a straight line from the closest point of the main banking

house to the farthest point of the detached facility. The facility shall not be closer than two hundred (200) feet to a facility operated by any other bank nor closer than three hundred (300) feet to the main banking house of any other bank, the measurement to be made in a straight line from the closest points of the closest structures involved. The distances herein specified in relation to a facility operated by any other bank and in relation to the main banking house of any other bank may be decreased by mutual written agreement of the banks involved to not closer than one hundred and fifty (150) feet to a facility operated by any other bank nor closer than two hundred (200) feet to the main banking house of any other bank, the measurement to be made in a straight line from the closest points of the closest structures involved. The service of the facility shall be limited to receiving deposits of every kind, cashing checks or orders to pay, receiving payments payable at the bank and such other transactions as are normally and usually conducted or handled at tellers' windows in the main banking house.

(3) And, in addition to the foregoing, it is further provided that with the prior approval of the superintendent of banks, any bank doing business in this state, whose banking house is located within the corporate limits of a city which had a population of not less than five thousand

1 (5,000) persons according to the last official United States
2 census, may establish and maintain not more than two (2)
3 additional detached drive-in and walk-up facilities, manned
4 or unmanned, as described in and having the powers and the
5 limitations set forth in subsection (2) of this section.
6 The facilities may MUST be located either within or outside
7 the city limits. ~~if located outside the city limits it must~~
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9 ~~nearest city limits of the city wherein the main banking~~
10 ~~house is located.~~"

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