

1 House BILL NO. 662
 2 INTRODUCED BY LOCKREM D. Miller
 3 Mr. Galtney Sen. Galtney

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT FINANCIAL
 5 INSTITUTIONS TO ESTABLISH UNMANNED SATELLITE FACILITIES."
 6

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Definitions. As used in this chapter:

9 (1) "Financial institution" means a bank or trust company
 10 established under chapter 2, Title 12, United States Code or
 11 Title 5, R.C.M. 1947, a savings and loan association
 12 established under chapter 12, Title 12, United States Code
 13 or Title 7, R.C.M. 1947.

14 (2) "Department" means the department of business
 15 regulation.

16 (3) "Satellite facility" means an unmanned facility at
 17 which transactions, including without limitation, account
 18 transfers, payments, and instructions for deposits and
 19 withdrawals may be conducted, which is not a physical part
 20 of the office of the financial institution. A satellite
 21 facility may not be construed to be a branch office of the
 22 financial institution and shall be disregarded in any
 23 proceeding under section 5-611 or 7-106 to determine the
 24 public necessity and demand for a new financial institution.

25 Section 2. Establishment of satellite facilities. A

1 financial institution may, with the approval of the
 2 department, provide satellite facilities in addition to its
 3 main office as are authorized by law. The department's
 4 approval shall be conditioned on a finding that the public
 5 convenience will be served by the proposed satellite
 6 facility. A satellite facility may be located anywhere
 7 within the state of Montana.

8 Section 3. Sharing of satellite facilities --
 9 commercial banks. As a condition to the operation of or the
 10 use of any satellite facility in this state, a commercial
 11 bank which desires to operate or have its customers able to
 12 utilize a satellite facility must agree that such a
 13 satellite facility will be available for use by customers of
 14 any other commercial bank or commercial banks upon the
 15 request of said bank or banks to share its use and the
 16 agreement of said bank or banks to share all costs in
 17 connection with its installation and operation. The owner
 18 of the satellite facility, whether a commercial bank or
 19 another person (but not a savings and loan association),
 20 shall make the satellite facility available for other
 21 commercial banks' use on a nondiscriminatory basis,
 22 conditioned upon payment of a reasonable proportion of all
 23 costs in connection with the satellite facility.

24 Section 4. Sharing of satellite facilities -- savings
 25 and loan association. Notwithstanding the provisions of

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1 section 3 of this act, any savings and loan association may
2 agree to share the use of any satellite facility it owns,
3 operates, or uses or which is owned by any entity owned by
4 one or more savings and loan associations, with any one or
5 more financial institutions, and sharing with one or more
6 commercial banks shall not require sharing with, or making
7 the facility available for use by the customers of, any
8 other bank.

9 Section 5. Nothing in this chapter may be construed to
10 authorize an action or agreement in violation of any of the
11 laws of the United States commonly known as the antitrust
12 laws.

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