

House Bill 183

In The House

January 13, 1981	Introduced and referred to Committee on Business and Industry.
January 29, 1981	Committee recommend bill do pass as amended.
January 30, 1981	Bill printed and placed on members' desks.
January 31, 1981	Second reading pass consideration until February 2, 1981.
February 2, 1981	Second reading do pass as amended.
February 3, 1981	Correctly engrossed.
February 4, 1981	Third reading passed.

In The Senate

February 5, 1981	Introduced and referred to Committee on Business and Industry.
February 25, 1981	Committee recommend bill concurred.
March 4, 1981	Second reading no affirmative action.
March 5, 1981	Second reading indefinitely postponed.

In The House

March 5, 1981	Returned from Senate indefinitely postponed.
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HOUSE BILL NO. 183

INTRODUCED BY

F. Eugene Ryan, Governor, Meyer, Morrison, Richard E. Manning, Carlisle, Lemsted

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 32-1-372, MCA, TO PROVIDE FOR ADDITIONAL BANK DETACHED FACILITIES; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 32-1-372, MCA, is amended to read:

"32-1-372. Branch bank prohibited -- exceptions. (1)

No bank may 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 prohibits ordinary clearinghouse transactions between banks.

(2) With the prior approval of the department, any bank doing business in this state in a municipality the population of which, as determined by the U.S. department of commerce at the time the application is made, is:

(a) 50,000 or more may establish and maintain not more than one three detached drive-in and walk-up facility consisting of one or more teller windows;

(b) less than 50,000 may establish and maintain not more than two detached drive-in and walk-up facilities consisting of one or more teller windows.

(3) The distance of the one facility from the main

banking house may not exceed 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 may not be closer than 200 feet to a facility operated by any other bank or closer than 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.

(4) The second and third facilities authorized in subsection (2)(a) and the second facility authorized in subsection (2)(b) may be located up to 2 miles beyond the corporate limits of the municipality in which the main banking house is located.

(5) No detached facility may be located closer than 150 feet from any other bank or from a facility operated by 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 150 feet to a facility operated by any other bank or closer than 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.

1 ~~(6) The service services of the detached facility~~
 2 shall be limited to ~~opening deposit accounts,~~ receiving
 3 deposits of every kind, cashing checks or orders to pay,
 4 ~~issuing drafts, money orders, and traveler's checks,~~
 5 receiving payments payable at the bank, and such other
 6 transactions as are normally and usually conducted or
 7 handled at teller windows in the main banking house.

8 ~~(3)(1)~~ (a) Any bank authorized to do banking business
 9 in this state may utilize a satellite terminal as defined in
 10 the Montana Electronic Funds Transfer Act and at any
 11 location permitted by the Montana Electronic Funds Transfer
 12 Act. The use of satellite terminals hereby authorized shall
 13 not be subject to the restrictions on location, transaction,
 14 or number applicable to detached drive-in, walk-up, or
 15 teller facilities.

16 (b) A satellite terminal other than a point-of-sale
 17 terminal may not be closer than 200 feet to a facility
 18 operated by any other bank or closer than 300 feet to the
 19 main banking house of any other bank, the measurement to be
 20 made in a straight line between the closest points of the
 21 closest structures involved. The distances herein specified
 22 in relation to a facility operated by any other bank and in
 23 relation to the main banking house of any other bank may be
 24 decreased by mutual written agreement of the banks involved
 25 to not closer than 150 feet to a facility operated by any

1 other bank or closer than 200 feet to the main banking house
 2 of any other bank, the measurement to be made in a straight
 3 line between the closest points of the closest structures
 4 involved."

5 Section 2. Severability. If a part of this act is
 6 invalid, all valid parts that are severable from the invalid
 7 part remain in effect. If a part of this act is invalid in
 8 one or more of its applications, the part remains in effect
 9 in all valid applications that are severable from the
 10 invalid applications.

11 Section 3. Effective date. This act is effective on
 12 passage and approval.

-End-

Approved by Committee
on Business and Industry

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2 INTRODUCED BY FABREGA, REGAN, GODDOVER, MEYER,

3 MENAHAN, MANNING, PAYLOVICH, HEMSTAD

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17 bank doing business in this state in a municipality the
18 population of which, as determined by the U.S. department of
19 commerce at the time the application is made, is:

20 (a) 50,000 or more may establish and maintain not more
21 than one three detached drive-in and walk-up facility
22 facilities consisting of one or more teller windows;

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24 more than two detached drive-in and walk-up facilities
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9 ~~closest structures involved.~~

10 (4) The second and third facilities authorized in
11 subsection (2)(a) and the second facility authorized in
12 subsection (2)(b) may be located up to 3 miles beyond the
13 corporate limits of the municipality in which the main
14 banking house is located.

15 (5) No detached facility may be located closer than
16 1,500 feet from any other bank or from a facility operated
17 by any other bank, the measurement to be made in a straight
18 line from the closest points of the closest structures
19 involved. The distances herein specified in relation to a
20 facility operated by any other bank and in relation to the
21 main banking house of any other bank may be decreased by
22 mutual written agreement of the banks involved to not closer
23 than 150 feet to a facility operated by any other bank or
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2 (6) The service services of the detached facility
 3 shall be limited to opening deposit accounts, receiving
 4 deposits of every kind, cashing checks or orders to pay,
 5 issuing drafts, money orders, and traveler's checks,
 6 receiving payments payable at the bank, and such other
 7 transactions as are normally and usually conducted or
 8 handled at teller windows in the main banking house.

9 (7) (A) ANY BANK DESIRING TO ESTABLISH A DETACHED
 10 FACILITY SHALL EXECUTE AND ACKNOWLEDGE AN APPLICATION, IN
 11 WRITING, IN THE FORM PRESCRIBED BY THE DEPARTMENT, AND SHALL
 12 FILE THE APPLICATION WITH THE DEPARTMENT, TOGETHER WITH A
 13 FEE OF \$500.

14 (b) THE DEPARTMENT SHALL APPROVE AN APPLICATION IF IT
 15 FINDS THAT THE ESTABLISHMENT OF THE PROPOSED DETACHED
 16 FACILITY WILL NOT HAVE AN ADVERSE EFFECT UPON THE SOLVENCY
 17 OF EXISTING FINANCIAL INSTITUTIONS IN THE COMMUNITY TO BE
 18 SERVED. OTHERWISE, THE DEPARTMENT WILL DENY THE
 19 APPLICATION.

20 ~~(3)~~~~(7)~~(8) (a) Any bank authorized to do banking
 21 business in this state may utilize a satellite terminal as
 22 defined in the Montana Electronic Funds Transfer Act and at
 23 any location permitted by the Montana Electronic Funds
 24 Transfer Act. The use of satellite terminals hereby
 25 authorized shall not be subject to the restrictions on

1 location, transaction, or number applicable to detached
 2 drive-in, walk-up, or teller facilities.

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 4 terminal may not be closer than 200 feet to a facility
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