SENATE BILL NO. 188

INTRODUCED BY WALKER, MEYER, DRISCOLL, WEEDING, THOMAS,
BRANDEWIE, SIMON, PAVLOVICH

BY REQUEST OF THE STATE AUDITOR

IN THE SENATE

JANUARY 21, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
JANUARY 31, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 2, 1987	PRINTING REPORT.
FEBRUARY 4, 1987	SECOND READING, DO PASS.
	ON MOTION, SEGREGATED FROM COMMITTEE OF THE WHOLE REPORT.
FEBRUARY 5, 1987	ON MOTION, TAKEN FROM SECOND READING AND REREFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 19, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1987	PRINTING REPORT.
FEBRUARY 21, 1987	SECOND READING, DO PASS.
FEBRUARY 23, 1987	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 47; NOES, 2.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 24, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & LABOR.
MARCH 10, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 14, 1987   SECOND READING, CONCURRED IN.

MARCH 16, 1987   THIRD READING, CONCURRED IN.
AYES, 92; NOES, 2.

RETURNED TO SENATE.

IN THE SENATE

MARCH 17, 1987   RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1   BILL NO. _____

2   INTRODUCED BY _____

3   BY REQUEST OF THE STATE AUDITOR _____

4   _____

5   A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING INFORMATION ON

6   ELECTRONIC FUNDS TRANSACTIONS TO BE DISCLOSED WITHOUT

7   CONSENT OF A CUSTOMER AFTER ISSUANCE OF A SUBPOENA; AMENDING

8   SECTION 32-6-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE

9   DATE."

10

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

12   Section 1. Section 32-6-105, MCA, is amended to read:

13   "32-6-105. Protection of privacy. (1) No information

14   relating to any transaction by electronic funds transfer, or

15   application therefor, between a financial institution and

16   its customer or prospective customer may be disclosed by the

17   financial institution to any person or government entity

18   without consent-of-the-customer-or,-if-the-customer--refuses

19   to--so-consent,-under-subpoena-issued-by-a-court-of-record.:

20   (a) the consent of the customer; or

21   (b) a subpoena issued by a court of record or by a

22   government entity pursuant to statutory authority, directing

23   the financial institution to disclose such information to

24   the person or government entity.

25   (2) This section does not prevent:

1   (a) the examination of financial institutions by duly

2   authorized   regulatory   authority   or   the transfer of

3   information by a financial institution to a clearinghouse

4   which   administers   transactions   between   financial

5   institutions; or

6   (b) the access by a party to a transaction   to

7   information relating to a specific transaction."

8   NEW SECTION. Section 2. Extension of authority. Any

9   existing authority of the department of commerce to make

10   rules on the subject of the provisions of this act is

11   extended to the provisions of this act.

12   NEW SECTION. Section 3. Effective date. This act is

13   effective on passage and approval.

                        -End-

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9   COURT OR-CRIMINAL-JUSTICE-AGENCY; AMENDING SECTION 32-6-105,

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21   (a) the consent of the customer; or

22   (b) a subpoena issued by a court of record or--by--a

23 government--entity--pursuant-to-statutory-authority CRIMINAL

24 JUSTICE--AGENCY--AS--DEFINED--IN--44-5-103, directing the

25 financial institution to disclose such information to the

1   person or government entity.

2   (2) COMPLIANCE WITH SUCH SUBPOENA RELIEVES A FINANCIAL

3   INSTITUTION AND ITS EMPLOYEES OF LIABILITY TO A CUSTOMER OR

4   OTHER PERSON FOR SUCH DISCLOSURE.

5   (2)(3) This section does not prevent:

6   (a) the examination of financial institutions by duly

7   authorized regulatory authority or the transfer of

8   information by a financial institution to a clearinghouse

9   which administers transactions between financial

10 institutions; or

11   (b) the access by a party to a transaction to

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                        -End-

SECOND READING
SB 188
SECOND PRINTING

Montana Legislative Council

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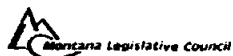
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REFERENCE BILL