

# HOUSE BILL 180

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By: **Delegates Hixson, Hucker, and Mizeur**  
Introduced and read first time: January 21, 2010  
Assigned to: Economic Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 30, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Financial Institutions – Automated Teller Machines – Video Cameras**

3 FOR the purpose of requiring each operator of ~~an~~ a certain automated teller machine  
4 to install and maintain a video camera that views and records certain activity  
5 ~~occurring within a certain number of feet in front of a user of the automated~~  
6 teller machine; requiring ~~each the operator of an automated teller machine~~  
7 preserve the recordings made by the video camera for at least a certain number  
8 of days; providing that a video camera need not record banking transactions  
9 made at an automated teller machine; ~~requiring operators of certain automated~~  
10 ~~teller machines to comply with this Act on or before certain dates~~ providing that  
11 an operator of a certain automated teller machine is not in violation of certain  
12 provisions of this Act under certain circumstances; providing that certain  
13 provisions of this Act do not apply to certain automated teller machines under  
14 certain circumstances; providing that this Act applies only to automated teller  
15 machines first installed on or after a certain date; and generally relating to  
16 automated teller machines.

17 BY repealing and reenacting, without amendments,  
18 Article – Financial Institutions  
19 Section 1–401(a) and (j)  
20 Annotated Code of Maryland  
21 (2003 Replacement Volume and 2009 Supplement)

22 BY adding to  
23 Article – Financial Institutions

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**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 Section 1-402.1  
2 Annotated Code of Maryland  
3 (2003 Replacement Volume and 2009 Supplement)

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

6 **Article – Financial Institutions**

7 1-401.

8 (a) In this subtitle the following words have the meanings indicated.

9 (j) “Operator” means a financial institution or other person that operates an  
10 automated teller machine.

11 **1-402.1.**

12 **(A) THIS SECTION DOES NOT APPLY TO AN AUTOMATED TELLER**  
13 **MACHINE THAT IS:**

14 **(1) LOCATED INSIDE A BUILDING UNLESS:**

15 **(i) THE BUILDING IS A FREESTANDING INSTALLATION**  
16 **THAT EXISTS SOLELY TO PROVIDE AN ENCLOSURE FOR THE AUTOMATED**  
17 **TELLER MACHINE; OR**

18 **(ii) A USER OF THE AUTOMATED TELLER MACHINE IS ABLE**  
19 **TO CONDUCT A TRANSACTION FROM OUTSIDE THE BUILDING; OR**

20 **(2) OPERATED BY A FINANCIAL INSTITUTION, UNLESS THE**  
21 **AUTOMATED TELLER MACHINE IS LOCATED AT, WITHIN, OR ATTACHED TO**  
22 **PREMISES OWNED OR UNDER THE CONTROL OF THE FINANCIAL INSTITUTION.**

23 **~~(A)~~ (B) EACH OPERATOR OF AN AUTOMATED TELLER MACHINE**  
24 **SUBJECT TO THIS SECTION SHALL:**

25 **(1) INSTALL AND MAINTAIN A VIDEO CAMERA THAT VIEWS AND**  
26 **RECORDS ALL ACTIVITY ~~OCCURRING WITHIN A MINIMUM OF 3 FEET IN FRONT~~**  
27 **OF A USER AS THE USER PERFORMS A TRANSACTION AT THE AUTOMATED**  
28 **TELLER MACHINE; AND**

29 **(2) PRESERVE THE RECORDINGS MADE BY THE VIDEO CAMERA**  
30 **FOR AT LEAST 45 DAYS.**

1        ~~(B)~~ (C)        A VIDEO CAMERA REQUIRED UNDER SUBSECTION ~~(A)~~ (B) OF  
2 THIS SECTION NEED NOT RECORD BANKING TRANSACTIONS MADE AT AN  
3 AUTOMATED TELLER MACHINE.

4        (D)    AN OPERATOR OF AN AUTOMATED TELLER MACHINE SUBJECT TO  
5 THIS SECTION IS NOT IN VIOLATION OF THIS SECTION IF A VIDEO CAMERA  
6 REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MALFUNCTIONS DUE TO A  
7 REASON NOT WITHIN THE OPERATOR’S CONTROL.

8        SECTION 2. AND BE IT FURTHER ENACTED, That ~~an operator of an~~  
9 ~~automated teller machine that is installed:~~

10            ~~(1)~~    this Act applies only to automated teller machines first installed on  
11 or after October 1, 2010, shall comply with this Act on the date of installation of the  
12 automated teller machine; and

13            ~~(2)~~    ~~before October 1, 2010, shall comply with this Act on or before~~  
14 ~~January 1, 2011.~~

15        SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.