

HOUSE BILL 1028

I1

(11r2372)

ENROLLED BILL

— Economic Matters/Finance —

Introduced by **Delegate Hixson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

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

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

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, without amendments,
2 Article – Financial Institutions
3 Section 1–401(a) and (j)
4 Annotated Code of Maryland
5 (2003 Replacement Volume and 2010 Supplement)

6 BY adding to
7 Article – Financial Institutions
8 Section 1–402.1
9 Annotated Code of Maryland
10 (2003 Replacement Volume and 2010 Supplement)

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

13 **Article – Financial Institutions**

14 1–401.

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

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

18 **1–402.1.**

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

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

22 (I) **THE BUILDING IS A FREESTANDING INSTALLATION**
23 **THAT EXISTS SOLELY TO PROVIDE AN ENCLOSURE FOR THE AUTOMATED**
24 **TELLER MACHINE; OR**

25 (II) **A USER OF THE AUTOMATED TELLER MACHINE IS ABLE**
26 **TO CONDUCT A TRANSACTION FROM OUTSIDE THE BUILDING; OR**

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

31 (B) **EACH OPERATOR OF AN AUTOMATED TELLER MACHINE SUBJECT TO**
32 **THIS SECTION SHALL:**

1 (1) INSTALL AND MAINTAIN A VIDEO CAMERA THAT VIEWS AND
2 RECORDS ~~ALL ACTIVITY~~ AN IMAGE OF A USER AS THE USER PERFORMS A
3 TRANSACTION AT THE AUTOMATED TELLER MACHINE; AND

4 (2) PRESERVE THE RECORDINGS MADE BY THE VIDEO CAMERA
5 FOR AT LEAST 45 CALENDAR DAYS.

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

9 ~~(D)~~ AN OPERATOR OF AN AUTOMATED TELLER MACHINE SUBJECT TO
10 THIS SECTION IS NOT IN VIOLATION OF THIS SECTION IF A VIDEO CAMERA
11 REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MALFUNCTIONS DUE TO A
12 REASON NOT WITHIN THE OPERATOR’S CONTROL.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act applies only to
14 automated teller machines first installed on or after October 1, 2011.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.