

# HOUSE BILL REPORT

## HB 1849

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As Reported By House Committee On:  
Financial Institutions & Insurance

**Title:** An act relating to security for automated teller machines and night deposit facilities.

**Brief Description:** Providing for security of automated teller machines and night depositories.

**Sponsors:** Representatives Zellinsky, Mielke, Peery, Kessler, Dyer, R. Johnson, Jones, R. Meyers, Jacobsen and Kremen.

**Brief History:**

Reported by House Committee on:  
Financial Institutions & Insurance, February 25, 1993,  
DPS.

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### HOUSE COMMITTEE ON FINANCIAL INSTITUTIONS & INSURANCE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

**Staff:** John Conniff (786-7119).

**Background:** Growth in the use of automated teller machines has led to an increase in the number of persons robbed while using such machines. In some cases, victims of robberies have sued the financial institution controlling the machine alleging that the institution failed to adequately provide for the safety of customers.

**Summary of Substitute Bill:** Operators of automated teller machines and night deposit facilities who substantially comply with certain objective standards and safety information requirements are conclusively presumed to have provided adequate measures for the safety of users of such machines or facilities.

Operators of automated teller machines and night depositories must adopt procedures for evaluating the safety of automated teller machine and night deposit facility

sites. Such operators must provide lighting at such facilities in accordance with certain standards. In addition, operators must mail or provide information regarding basic safety precautions for users of such sites.

Local government laws regarding customer safety at automated teller machines and night deposit facilities are preempted.

**Substitute Bill Compared to Original Bill:** Changes are made to take advantage of existing statutory provisions and definitions governing automated teller machines.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** Financial institutions need a uniform statewide design standard for automated teller machine and night depository that provides for the safety of customers. Without such a uniform standard, financial institutions would be subject to conflicting local government standards that would add to the cost and complexity of developing such sites. In addition, if these standards are followed, financial institutions should be presumed to have adequately provided for customer safety.

**Testimony Against:** None.

**Witnesses:** Trevor Sandison, Washington Bankers Association (pro).