

SENATE BILL No. 86

January 27, 2011, Introduced by Senators WHITMER, HUNTER, GLEASON, HOPGOOD and ANDERSON and referred to the Committee on Banking and Financial Institutions.

A bill to amend 1996 PA 354, entitled
"Savings bank act,"
(MCL 487.3101 to 487.3804) by adding section 401a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 401A. (1) A SAVINGS BANK SHALL NOT CHARGE AN ACCOUNT
2 HOLDER MORE THAN 1 OVERDRAFT FEE IN ANY 24-HOUR PERIOD.

3 (2) A SAVINGS BANK SHALL PUBLISH ON AN INTERNET WEBSITE
4 AVAILABLE TO THE PUBLIC THE AMOUNT OF ITS OVERDRAFT FEES AND THE
5 CRITERIA IT USES TO DETERMINE THE AMOUNT OF ITS OVERDRAFT FEES.

6 (3) IF A SAVINGS BANK RECEIVES MORE THAN 1 ITEM TO CHARGE TO
7 AN ACCOUNT OF A CUSTOMER ON THE SAME BANKING DAY, THE SAVINGS BANK
8 SHALL CHARGE THE SMALLEST ITEM TO THE ACCOUNT FIRST AND CHARGE EACH
9 ADDITIONAL ITEM TO THE ACCOUNT IN ORDER BY AMOUNT, FROM SMALLEST TO
10 LARGEST.

1 (4) AS USED IN THIS SECTION:

2 (A) "BANKING DAY" MEANS THAT TERM AS DEFINED IN SECTION 4104
3 OF THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.4104.

4 (B) "ITEM" MEANS THAT TERM AS DEFINED IN SECTION 4104 OF THE
5 UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.4104.

6 (C) "OVERDRAFT FEE" MEANS ANY FEE OR CHARGE IMPOSED IN
7 CONNECTION WITH AN ACCOUNT ON WHICH A CHECK OR OTHER DEBIT IS PAID
8 BY THE SAVINGS BANK IN WHICH THAT ACCOUNT IS HELD EVEN THOUGH THERE
9 ARE INSUFFICIENT FUNDS IN THE ACCOUNT TO COVER THAT CHECK OR OTHER
10 DEBIT.