

SENATE BILL No. 84

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 1999 PA 276, entitled
"Banking code of 1999,"
(MCL 487.11101 to 487.15105) by adding section 4101a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 4101A. (1) A BANK SHALL NOT CHARGE AN ACCOUNT HOLDER MORE
2 THAN 1 OVERDRAFT FEE IN ANY 24-HOUR PERIOD.

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

6 (3) IF A BANK RECEIVES MORE THAN 1 ITEM TO CHARGE TO AN
7 ACCOUNT OF A CUSTOMER ON THE SAME BANKING DAY, THE BANK SHALL
8 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 BANK IN WHICH THAT ACCOUNT IS HELD EVEN THOUGH THERE ARE
9 INSUFFICIENT FUNDS IN THE ACCOUNT TO COVER THAT CHECK OR OTHER
10 DEBIT.