

SENATE BILL No. 85

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 1980 PA 307, entitled
"Savings and loan act of 1980,"
(MCL 491.102 to 491.1202) by adding section 601.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 601. (1) AN ASSOCIATION SHALL NOT CHARGE AN ACCOUNT
2 HOLDER MORE THAN 1 OVERDRAFT FEE IN ANY 24-HOUR PERIOD.

3 (2) AN ASSOCIATION 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 AN ASSOCIATION RECEIVES MORE THAN 1 ITEM TO CHARGE TO
7 AN ACCOUNT OF A CUSTOMER ON THE SAME BANKING DAY, THE ASSOCIATION
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

1 LARGEST.

2 (4) AS USED IN THIS SECTION:

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

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

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