

(II) "ACCESS AREA" DOES NOT INCLUDE ANY PUBLICLY MAINTAINED STREET OR HIGHWAY OR ANY ADJACENT SIDEWALK.

(3) "ACCESS DEVICE" HAS THE MEANING STATED IN FEDERAL RESERVE BOARD REGULATION E, 12 C.F.R. PART 205.

(4) (I) "AUTOMATED TELLER MACHINE" MEANS ANY ELECTRONIC INFORMATION PROCESSING DEVICE LOCATED IN THIS STATE WHICH ACCEPTS OR DISPENSES CASH IN CONNECTION WITH A CREDIT, DEPOSIT, OR CONVENIENCE ACCOUNT.

(II) "AUTOMATED TELLER MACHINE" DOES NOT INCLUDE DEVICES USED:

1. SOLELY TO FACILITATE CHECK GUARANTEES OR CHECK AUTHORIZATIONS;
2. IN CONNECTION WITH THE ACCEPTANCE OR DISPENSING OF CASH ON A PERSON-TO-PERSON BASIS, INCLUDING BY A STORE CASHIER; OR
3. FOR THE PAYMENT OF GOODS OR SERVICES.

(5) "CANDLEFOOT POWER" MEANS THE LIGHT INTENSITY OF CANDLES ON A HORIZONTAL PLANE AT 36 INCHES ABOVE GROUND LEVEL AND 5 FEET IN FRONT OF THE AREA TO BE MEASURED.

(6) "CONTROL" OF AN ACCESS AREA OR DEFINED PARKING AREA MEANS TO HAVE THE PRESENT AUTHORITY TO DETERMINE HOW, WHEN, AND BY WHOM SUCH AREA IS TO BE USED, MAINTAINED, LIGHTED, AND LANDSCAPED.

(7) "CUSTOMER" MEANS AN INDIVIDUAL TO WHOM AN ACCESS DEVICE HAS BEEN ISSUED FOR PERSONAL, FAMILY, OR HOUSEHOLD USE.

(8) (I) "DEFINED PARKING AREA" MEANS THAT PORTION OF A PARKING AREA OPEN FOR CUSTOMER PARKING WHICH IS:

1. CONTIGUOUS TO AN ACCESS AREA WITH RESPECT TO AN AUTOMATED TELLER MACHINE;
2. REGULARLY, PRINCIPALLY, AND LAWFULLY USED FOR PARKING BY USERS OF THE AUTOMATED TELLER MACHINE WHILE CONDUCTING AUTOMATED TELLER MACHINE TRANSACTIONS DURING THE HOURS OF DARKNESS; AND
3. OWNED OR CONTROLLED BY THE OPERATOR OF THE AUTOMATED TELLER MACHINE OR BY THE PARTY LEASING THE AUTOMATED TELLER MACHINE SITE TO THE OPERATOR.

(II) "DEFINED PARKING AREA" INCLUDES ONLY THE SINGLE PARKING LEVEL OF A MULTIPLE LEVEL PARKING AREA DEEMED BY THE OPERATOR OF THE AUTOMATED TELLER MACHINE TO BE THE MOST DIRECTLY ACCESSIBLE TO USERS OF THE AUTOMATED TELLER MACHINE IF THE PARKING AREA OTHERWISE SATISFIES THE CONDITIONS CONTAINED IN ITEM (I) OF THIS PARAGRAPH.