

(III) "DEFINED PARKING AREA" DOES NOT INCLUDE A PARKING AREA WHICH:

1. IS NOT REGULARLY USED FOR PARKING BY USERS OF THE AUTOMATED TELLER MACHINE WHO ARE CONDUCTING AUTOMATED TELLER MACHINE TRANSACTIONS DURING THE HOURS OF DARKNESS; OR

2. IS PHYSICALLY CLOSED TO ACCESS OR IS MARKED BY CONSPICUOUS SIGNS INDICATING THAT IT IS CLOSED.

(9) "FINANCIAL INSTITUTION" HAS THE MEANING STATED IN § 1-101 OF THIS TITLE.

(10) "HOURS OF DARKNESS" MEANS THE PERIOD THAT BEGINS 30 MINUTES AFTER SUNSET AND ENDS 30 MINUTES BEFORE SUNRISE.

(11) "OPERATOR" MEANS A FINANCIAL INSTITUTION OR OTHER PERSON THAT OPERATES AN AUTOMATED TELLER MACHINE.

(B) (1) (I) THIS SECTION DOES NOT APPLY TO ANY PERSON:

1. WHOSE PRIMARY FUNCTION IS TO PROVIDE FOR THE EXCHANGE, TRANSFER, OR DISSEMINATION OF ELECTRONIC FUND TRANSFER DATA; AND

2. THAT IS NOT OTHERWISE AN OPERATOR OR PERSON WHO CONTROLS AN ACCESS AREA OR DESIGNATED PARKING AREA.

(II) A PERSON DESCRIBED IN ITEM (I) OF THIS PARAGRAPH SHALL HAVE NO LIABILITY TO A CUSTOMER OR USER OF AN AUTOMATED TELLER MACHINE FOR ANY CLAIM RELATING TO:

1. ANY PROVISION OF THIS SECTION; OR

2. THE USE OR ATTEMPTED USE OF AN AUTOMATED TELLER MACHINE.

(2) THIS SECTION DOES NOT APPLY TO AN AUTOMATED TELLER MACHINE WHICH:

(I) IS LOCATED INSIDE A BUILDING:

1. UNLESS THE BUILDING IS A FREESTANDING INSTALLATION WHICH EXISTS SOLELY TO PROVIDE AN ENCLOSURE FOR THE AUTOMATED TELLER MACHINE; OR

2. EXCEPT TO THE EXTENT THAT A TRANSACTION CAN BE CONDUCTED FROM OUTSIDE THE BUILDING; OR

(II) IS LOCATED IN ANY AREA, INCLUDING ANY ACCESS AREA, BUILDING, ENCLOSED SPACE, OR PARKING AREA, WHICH IS NOT CONTROLLED BY THE OPERATOR.