

(III) REFRAIN FROM DISPLAYING CASH, PLACE CASH IN A POCKET AS SOON AS A TRANSACTION IS COMPLETED, AND COUNT CASH IN THE SAFETY OF A LOCKED ENCLOSURE SUCH AS A CAR OR HOME;

(IV) USE ANOTHER AUTOMATED TELLER MACHINE OR RETURN AT A LATER TIME IF ANYTHING SUSPICIOUS IS NOTICED;

(V) CANCEL A TRANSACTION, PLACE THE ACCESS DEVICE IN A POCKET, AND LEAVE IF ANYTHING SUSPICIOUS IS NOTICED WHEN USING AN AUTOMATED TELLER MACHINE; AND

(VI) IMMEDIATELY REPORT ALL CRIMES TO THE OPERATOR OF THE AUTOMATED TELLER MACHINE AND TO LOCAL LAW ENFORCEMENT OFFICIALS.

(6) FOR AN ACCESS DEVICE ISSUED BEFORE JANUARY 1, 1995, COMPLIANCE WITH THE PROVISIONS OF THIS SUBSECTION SHALL BE OPTIONAL UNLESS:

(I) A CUSTOMER REQUESTS IN WRITING THAT THE NOTICE REQUIRED BY THIS SUBSECTION BE PROVIDED; OR

(II) THE ACCESS DEVICE IS REISSUED, RENEWED, OR REPLACED ON OR AFTER JANUARY 1, 1995.

(F) (1) ONLY THE STATE MAY ENACT A LAW REGARDING CUSTOMER SAFETY AT AUTOMATED TELLER MACHINES.

(2) THIS SECTION SHALL PREEMPT ANY LOCAL LAW GOVERNING CUSTOMER SAFETY AT AUTOMATED TELLER MACHINES.

~~(G) COMPLIANCE WITH THIS SECTION CREATES A REBUTTABLE PRESUMPTION THAT:~~

~~(1) AN AUTOMATED TELLER MACHINE WAS OPERATED AND MAINTAINED IN A REASONABLE, SECURE, AND APPROPRIATE MANNER; AND~~

~~(2) AN OPERATOR OF AN AUTOMATED TELLER MACHINE, AN ISSUER OF AN ACCESS DEVICE, AND A PERSON WHO CONTROLS AN ACCESS AREA OR DESIGNATED PARKING AREA HAVE PROVIDED ADEQUATE MEASURES FOR THE SAFETY OF CUSTOMERS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 1995.

May 26, 1994

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, Maryland 21401