

**CONSUMER FINANCIAL PROTECTION BUREAU
JUSTIFICATION FOR NO MATERIAL NON-SUBSTANTIVE CHANGE
ELECTRONIC FUND TRANSFERS (REGULATION E) 12 CFR 1005
(OMB CONTROL NUMBER: 3170-0014)**

Overview

The Bureau of Consumer Financial Protection (Bureau) is amending Regulation E (Electronic Fund Transfers), which implements the Electronic Fund Transfer Act (EFTA), and the official interpretation to the regulation in order to eliminate a requirement that a fee notice be posted on or at automated teller machines, leaving in place the requirement for a specific fee disclosure to appear on the screen of that machine or on a paper issued from the machine. The Bureau is issuing this final rule to conform Regulation E to an amendment to the EFTA that was passed in December 2012, which eliminated the statutory authority for the posted fee notice.

The Bureau's analysis considers the burden associated with the eliminated requirement to be minimal, since ATM operator personnel were required to service the machines regularly and could place or replace the posted notices at that time, when needed. Therefore, the Bureau is not able to quantify the Paperwork Reduction Act burden reduction associated with the removal of this requirement.

Pursuant to EFTA, the Bureau submits this change request with the Office of Management and Budget in order to amend the docket to remove the disclosure requirement subject to this request. No new or revised disclosure requirements are being imposed.

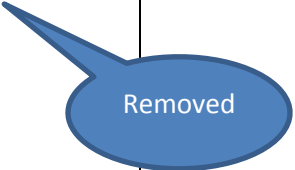
- **Rulemaking: Direct Final Rule – RIN 3170-AA36**
 - Regulation: 12 CFR 1005.16, Disclosures at automated teller machines.
 - Disclosure requirement in § 1005.16(c)(1) removed (see below).

- **Burden**
 - Current Annual Burden Hours: 4,016,587
 - Change: - 0-
 - New Annual Burden Hours: 4,016,587

 - Current Annual Cost Burden: \$0
 - Change: \$0
 - New Annual Cost Burden: \$0

PART 1005 – ELECTRONIC FUND TRANSFERS (REGULATION E)

Current Regulatory Text	Regulatory New Text
<p>§ 1005.16 Disclosures at automated teller machines.</p> <p>(a) Definition. “Automated teller machine operator” means any person that operates an automated teller machine at which a consumer initiates an electronic fund transfer or a balance inquiry and that does not hold the account to or from which the transfer is made, or about which an inquiry is made.</p> <p>(b) General. An automated teller machine operator that imposes a fee on a consumer for initiating an electronic fund transfer or a balance inquiry shall:</p> <p>(1) Provide notice that a fee will be imposed for providing electronic fund transfer services or a balance inquiry; and</p> <p>(2) Disclose the amount of the fee.</p> <p>(c) Notice requirement. To meet the requirements of paragraph (b) of this section, an automated teller machine operator must comply with the following:</p> <p>(1) On the machine. Post in a prominent and conspicuous location on or at the automated teller machine a notice that:</p> <p>(i) A fee will be imposed for providing electronic fund transfer services or for a balance inquiry; or</p> <p>(ii) A fee may be imposed for providing electronic fund transfer services or for a balance inquiry, but the notice in this paragraph (c)(1)(ii) may be substituted</p>	<p>§ 1005.16 Disclosures at automated teller machines.</p> <p>(a) * * *</p> <p>(b) General. An automated teller machine operator that imposes a fee on a consumer for initiating an electronic fund transfer or a balance inquiry must provide a notice that a fee will be imposed for providing electronic fund transfer services or a balance inquiry that discloses the amount of the fee.</p> <p>(c) Notice requirement. An automated teller machine operator must provide the notice required by paragraph (b) of this section either by showing it on the screen of the automated teller machine or by providing it on paper, before the consumer is committed to paying a fee.</p> <p>* * * * *</p>



PART 1005 – ELECTRONIC FUND TRANSFERS (REGULATION E)

Current Regulatory Text	Regulatory New Text
<p>for the notice in paragraph (c)(1)(i) of this section only if there are circumstances under which a fee will not be imposed for such services; and</p> <p>(2) Screen or paper notice. Provide the notice required by paragraphs (b)(1) and (2) of this section either by showing it on the screen of the automated teller machine or by providing it on paper, before the consumer is committed to paying a fee.</p> <p>(d) Imposition of fee. An automated teller machine operator may impose a fee on a consumer for initiating an electronic fund transfer or a balance inquiry only if</p> <p>(1) The consumer is provided the notices required under paragraph (c) of this section, and</p> <p>(2) The consumer elects to continue the transaction or inquiry after receiving such notices.</p>	<p>(d) Imposition of fee. An automated teller machine operator may impose a fee on a consumer for initiating an electronic fund transfer or a balance inquiry only if:</p> <p>(1) The consumer is provided the notice required under paragraph (c) of this section, and</p> <p>(2) The consumer elects to continue the transaction or inquiry after receiving such notice.</p> <p align="center">3. In Supplement I to Part 1005, remove Section 1005.16.</p>

Note: The subject final rule published in the Federal Register on Tuesday, March 26, 2013 at 78 FR 18221 (<http://www.gpo.gov/fdsys/pkg/FR-2013-03-26/html/2013-06861.htm>) .