

1 service terminal transactions during the hours 327
 2 of darkness; and

3 (C) Owned or leased by the operator of 329
 4 the remote service terminal or owned or 330
 5 controlled by the party leasing the remote
 6 service terminal site to the operator. 331

7 The term does not include any parking area which is 334
 8 not open or regularly used for parking by users of
 9 the remote service terminal who are conducting 335
 10 remote service terminal transactions during the
 11 hours of darkness. A parking area is not open if 336
 12 it is physically closed to access or if conspicuous 337
 13 signs indicate that it is closed. If a
 14 multiple-level parking area satisfies the 338
 15 conditions of this paragraph and would therefore
 16 otherwise be a defined parking area, only the 339
 17 single parking level deemed by the operator of the 340
 18 remote service terminal to be the most directly
 19 accessible to the users of the remote service 341
 20 terminal shall be a defined parking area.

21 (7) 'Financial institution' means such an 343
 22 institution as defined in Code Section 7-1-4. 344
 23 (8) 'Hours of darkness' means the period that 346
 24 commences 30 minutes after sunset and ends 30 347
 25 minutes before sunrise.

26 (9) 'Operator' means any bank, savings 349
 27 association, credit union, savings bank, or other 350
 28 business entity or any person who operates a remote 351
 29 service terminal, but does not include any person 352
 30 or entity whose primary function is to provide for 353
 31 the exchange, transfer, or dissemination of 354
 32 electronic fund transfer data.

33 (10) 'Owner of an automated teller machine' 356
 34 means the person having the right to determine the 357

1 financial institutions which will be permitted to 357
 2 use, or participate in the usage of, the automated 358
 3 teller machine but does not include any person or 359
 4 entity whose primary function is to provide for the
 5 exchange, transfer, or dissemination of electronic 360
 6 fund transfer data.

7 (11) 'Public road' means any public right of 362
 8 way, including, but not limited to, structures, 363
 9 sidewalks, facilities, and appurtenances incidental
 10 thereto. 364

11 (12) 'Remote service terminal' means any 366
 12 electronic information processing device which 367
 13 accepts or dispenses cash in connection with a
 14 credit, deposit, or convenience account. The term 368
 15 does not include devices used solely to facilitate 369
 16 check guarantees or check authorizations or which
 17 are used in connection with the acceptance or 370
 18 dispensing of cash on a person-to-person basis, 371
 19 such as by store cashier.

20 7-8-2. (a) On or before July 1, 1994, with 373
 21 respect to all existing installed remote service 374
 22 terminals in this state, and any remote service
 23 terminals installed after July 1, 1993, the operator 375
 24 shall adopt procedures for evaluating the safety of the 376
 25 remote service terminals. These procedures shall
 26 include a consideration of the following: 377

27 (1) The extent to which the lighting for the 378
 28 remote service terminal complies or will comply 380
 29 with applicable standards;

30 (2) The presence of landscaping, vegetation, 38
 31 or other obstructions in the area of the remote 38
 32 service terminal, the access area, and the defined
 33 parking area; and 38

1 (3) The incidence of crimes of violence in 386
 2 the immediate neighborhood of the remote service 387
 3 terminal as reflected in the records of the local
 4 law enforcement agency and of which the operator 388
 5 has actual knowledge.
 6 (b) It is not the intent of the General Assembly 390
 7 in enacting this chapter to impose a duty to relocate or 391
 8 modify remote service terminals upon the occurrence of 392
 9 any particular events or circumstances, but rather to
 10 establish a standard of good faith for the evaluation of 393
 11 all remote service terminals as provided in this 394
 12 chapter. A violation of the provisions of this chapter 395
 13 or any regulation made pursuant thereto will not 396
 14 constitute negligence per se.
 15 7-8-3. (a) Each operator of a remote service 398
 16 terminal installed on or after July 1, 1993, shall 399
 17 comply with the provisions of this chapter commencing on 400
 18 the date the remote service terminal is installed.
 19 Compliance with the provisions of this chapter by 401
 20 operators as to remote service terminals existing as of 402
 21 July 1, 1993, shall be optional until July 1, 1994, and
 22 mandatory thereafter. This Code section shall apply to 403
 23 an operator of a remote service terminal only to the 404
 24 extent that the operator controls the access area or
 25 defined parking area to be lighted. 405
 26 (b) If an access area or defined parking area is 407
 27 not controlled by the operator of the remote service 408
 28 terminal, and if the person who leased the remote 409
 29 service terminal site to the operator controls the
 30 access area or defined parking area, the person who 410
 31 controls the access area or defined parking area shall 411
 32 comply with the provisions of this chapter as to any
 33 remote service terminals installed on or after July 1, 412
 34 1994, commencing on the date the remote service terminal 413

1 is installed and as to any remote service terminal 413
2 existing as of July 1, 1993, commencing no later than on 414
3 July 1, 1994.

4 (c) The operator, owner, or other person 415
5 responsible for the remote service terminal shall 417
6 provide lighting during the hours of darkness with 418
7 respect to an open and operating remote service terminal 419
8 and any defined parking area, access area, and the 420
9 exterior of an enclosed remote service terminal
10 installation, according to the following standards: 421

11 (1) There shall be a minimum of ten 423
12 candlefoot power at the face of the remote service 424
13 terminal and extending in an unobstructed direction
14 outward five feet; 425

15 (2) There shall be a minimum of two 427
16 candlefoot power within 50 feet from all 428
17 unobstructed directions from the face of the remote
18 service terminal. In the event the remote service 429
19 terminal is located within ten feet of the corner
20 of the building and the remote service terminal is 430
21 generally accessible from the adjacent side, there 431
22 shall be a minimum of two candlefoot power along
23 the first 40 unobstructed feet of the adjacent side 432
24 of the building; and

25 (3) There shall be a minimum of two 433
26 candlefoot power in that portion of the defined 435
27 parking area within 60 feet of the remote service
28 terminal.

29 7-8-4. Customers receiving access devices shall be 43
30 furnished by the respective issuers thereof with notices 43
31 of basic safety precautions which customers should 43
32 employ while using a remote service terminal. This
33 information shall be furnished by personally delivering 44
34 or mailing the information to each customer whose 44

