

1 HB399
2 146658-1
3 By Representative Newton (D)
4 RFD: Judiciary
5 First Read: 07-MAR-13

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8 SYNOPSIS: Under existing law, Article 4A of the
9 Uniform Commercial Code does not apply to a fund
10 transfer if any part of the transfer is governed by
11 the Electronic Fund Transfer Act of 1978.

12 This act would amend the Uniform Commercial
13 Code to specify the relationship between Article 4A
14 of the code and the federal Electronic Fund
15 Transfer Act and would provide that Article 4A
16 applies to remittance transfers under the
17 Electronic Fund Transfer Act.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Section 7-4A-108, relating to electronic
24 fund transfers; to specify the relationship between Article 4A
25 of the Uniform Commercial Code and the federal Electronic Fund
26 Transfer Act and to provide that Article 4A of the code

1 applies to remittance transfers that are governed by the
2 federal Electronic Fund Transfer Act.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 7-4A-108, Code of Alabama 1975,
5 is amended to read as follows:

6 "§7-4A-108.

7 " (a) Except as provided in subsections (b) and (c),
8 this ~~This~~ article does not apply to a ~~funds~~ fund transfer any
9 part of which is governed by the Electronic Fund Transfer Act
10 of 1978 (Title XX, Public Law 95-630, 92 Stat. 3728, 15 U.S.C.
11 §1693 et seq.), as amended from time to time.

12 "(b) This article applies to a fund transfer that is
13 a remittance transfer as defined in the Electronic Fund
14 Transfer Act (15 U.S.C. Sec. 1693o-1), as amended from time to
15 time, unless the remittance transfer is an electronic fund
16 transfer as defined in the Electronic Fund Transfer Act (15
17 U.S.C. Sec. 1693a), as amended from time to time.

18 "(c) In a fund transfer to which this article
19 applies, in the event of an inconsistency between an
20 applicable provision of this article and an applicable
21 provision of the Electronic Fund Transfer Act, the provision
22 of the Electronic Fund Transfer Act governs to the extent of
23 the inconsistency."

24 Section 2. This act shall become effective on the
25 first day of the third month following its passage and
26 approval by the Governor, or its otherwise becoming law.