

INTERPRETIVE LETTER 90-21 (OCTOBER 19, 1990)

State bank may deploy a mobile ATM that will operate within the bank's home county and contiguous counties. [Note: References to numeric and geographic (same county or contiguous county) limitations have been repealed.]

This is in response to your inquiry as to whether the deployment of mobile electronic banking terminals ("mobile ATM's") by banks in Illinois is permissible.

Section 5 of the Illinois Banking Act (Ill. Rev. Stat. 1989, ch. 17, par. 311) sets forth the general corporate powers of an Illinois state bank. Section 5(16) authorizes a bank to:

establish and maintain...other than on the main banking premises or at branches permitted under paragraph (15) of this Section, not more than 10 unmanned automatic teller machines in the county in which the main banking premises of the establishing bank are located and in counties contiguous to the county in which the main banking premises of the bank are located...provided that a bank's use of such automatic teller machines complies with the provisions of the Electronic Fund Transmission Facility Act as now or hereafter amended....

On the basis of this language, this Agency has no objection to a bank's use of a mobile ATM. Such mobile ATM would count as one of the ten automatic teller machines which the bank is permitted to establish and maintain. Additionally, the mobile ATM could only be operated within the county in which the main banking premises of the establisher is located or a county contiguous thereto. While this Agency has not yet promulgated a rule establishing the requirement that a notice must be submitted to our Agency prior to the deployment of a mobile ATM, you are requested to contact *, Manager of the FISE Division, prior to the deployment of such ATM.