

CHAPTER 484

S.B. No. 162

An Act authorizing certain bank drive-in/walk-up facilities; amending Article 3, Chapter IX, The Texas Banking Code of 1943, as amended (Article 342-903, Vernon's Texas Civil Statutes).

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 3, Chapter IX, The Texas Banking Code of 1943, as amended (Article 342-903, Vernon's Texas Civil Statutes), is amended to read as follows:

"Article 3. **BRANCH BANKING PROHIBITED.** No State, national or private bank shall engage in business in more than one place, maintain any branch office, or cash checks or receive deposits except in its own banking house or through unmanned teller machines as authorized in Article 3a. For purposes of this article 'banking house' means the building in whose offices the business of the bank is conducted and which is functionally one place of business, including (a) office facilities whose nearest wall is located within five hundred (500) feet of the nearest wall of the central building and is physically connected to the central building by tunnel, passageway or hallway providing direct access between the central building and the connected office facility or by closed circuit television or pneumatic tube or other physically connected delivery device, and (b) not more than two (2) office facilities whose nearest wall is located within three thousand five hundred (3,500) feet of the central building and is physically connected to the central building by tunnel, passageway or hallway providing direct access between the central building and the connected office facility or by closed circuit television or pneumatic tube or other physically connected delivery device, and (c) in addition, not more than one (1) drive-in/walk-up facility whose nearest boundary is located within ten thousand five hundred (10,500) feet of the nearest wall of the central building but more than five hundred (500) feet therefrom, is within the same county as the central building, and is connected to the central building by tunnel, passageway or hallway providing direct access between the central building and the connected drive-in/walk-up facility or by closed circuit television, pneumatic tube or other physically connected delivery device, and (d) *in addition not more than one (1) drive-in/walk-up facility whose nearest boundary is located within twenty thousand (20,000) feet of the nearest wall of the central building but more than five hundred (500) feet therefrom, is within the same county or city as the central building, and is connected to the central building by tunnel, passageway or hallway providing direct access between the central building and the connected drive-in/walk-up facility or by closed circuit television, pneumatic tube or other physically connected delivery device; provided no such facility shall be located within the boundary lines of any city or town which according to the 1980 census has a population of less than five thousand (5,000) and in which a bank is already located.* The entire banking house shall for all purposes under the law be considered one integral banking house. The term 'drive-in/walk-up facility' as herein used shall mean a facility offering banking services solely to persons who remain outside of the facility or in a building having a secured teller lobby during the transaction of business with the bank.

"Any bank adversely affected by a violation of this article may, and the Attorney General, upon request of the Commissioner, shall bring suit in a court of competent jurisdiction to enjoin a violation of this article. The party who prevails in such proceeding shall recover costs of suit and reasonable attorney's fees."

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 10, 1985, by the following vote: Yeas 28, Nays 0; Senate concurred in House amendment on May 26, 1985, by a viva-voce vote; passed the House, with amendment, on May 25, 1985, by a non-record vote.

Approved: June 12, 1985

Effective: August 26, 1985