

**2675.8100 DEFINITIONS.**

Subpart 1. **Scope.** Terms in parts 2675.8100 to 2675.8190 that are defined in Minnesota Statutes, sections 47.61 to 47.74, have the meanings given them. For the purpose of Minnesota Statutes, sections 47.61 to 47.74, and parts 2675.8100 to 2675.8190, the terms defined in this part have the meanings given them.

Subp. 2. **Act.** "Act" means Minnesota Statutes, sections 47.61 to 47.74.

Subp. 3. **Card.** "Card" means the access device used to activate a terminal, including a credit card or debit card. "Card" does not include an access device issued by a government agency solely for the purpose of electronic benefit transfer programs or stored value cards, except that a stored value card that also serves as an access device for electronic terminal transactions is considered to be a card to the extent it performs the functions of a credit card or debit card.

Subp. 4. **Card issuer.** "Card issuer" means a financial institution or a person authorized by a financial institution providing the use of a terminal to a customer to be activated by a card.

Subp. 5. **Control.** "Control" means the ownership of greater than 50 percent interest in the terminal or terminals; or any leasehold interest in the terminal or terminals; or the power to act as agent or card issuer authorized by those persons having ownership or leasehold interests in the terminal or terminals for purposes of the act and parts 2675.8100 to 2675.8190. No agency agreement effects transfer of control from an owner or leasehold interest unless the agreement is in writing and provides for assumption of all of the responsibilities and requirements of the act and parts 2675.8100 to 2675.8190 by the agent. If the agent is a financial institution, the agent is not required in the agreement to assume any responsibilities or requirements under the act or parts 2675.8100 to 2675.8190 which do not apply to terminals directly owned by financial institutions. If the agent is a national bank, federal savings association, or federal credit union, parts 2675.8100 to 2675.8190 apply to the extent permitted by federal law.

Subp. 6. **Customer.** "Customer" means any person who has established a contractual relationship with a financial institution whereby that person is authorized to initiate any of those transactions permitted to be performed under the act at a terminal.

Subp. 6a. **Establish and maintain.** "Establish and maintain" means making electronic financial terminal operations available to customers or card issuers on terms and conditions provided in the act and parts 2675.8100 to 2675.8190 by reason of having control over a terminal.

Subp. 7. **Operator.** "Operator" means any person who assists in the initiation of terminal transactions on behalf of a customer. Operator does not include an employee of

a financial institution, financial institution holding company or subsidiary thereof or the customer.

Subp. 8. **Person.** "Person" means any individual, body politic or corporate, partnerships, or other unincorporated associations.

Subp. 9. **Personal identification code.** "Personal identification code" is the confidential code provided to the customer which is necessary to the completion of a transaction at a terminal.

Subp. 10. **Provider.** "Provider" means the person or persons having control over a terminal under the act.

Subp. 11. **Terminal.** "Terminal" means an electronic financial terminal as defined in the act and does not include communication systems such as telephones with digital screens, personal computers, or interactive television possessed by and operated exclusively by the customer whether or not it is used to accept the disclosures required by part 2675.8160.

Subp. 12. **Transaction.** "Transaction" means each separate, identifiable financial function performed at a terminal as authorized under the act.

Subp. 13. **Unauthorized withdrawal.** "Unauthorized withdrawal" is a withdrawal by a person other than the customer without actual authority to initiate the withdrawal, and from which the customer receives no benefit. The term does not include any withdrawal that is initiated:

A. by a person who was furnished with the card by the customer, unless the customer has notified the financial institution involved that the transfers by that person are no longer authorized;

B. with fraudulent intent by the customer or any person acting in concert with the customer; or

C. by the financial institution or its employee.

**Statutory Authority:** *MS s 45.023; 47.71*

**History:** *22 SR 1711*

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