

RESCINDED

Electronic Fund Transfer Act Questionnaire

This questionnaire can be used to form transaction testing, and to transactions that specifically relate to the issue being reviewed in the work papers.

This document and any attachments are superseded by Comptroller's Handbook - Consumer Compliance - Electronic Fund Transfer Act.

When reviewing audit, evaluating financial institution policies, or performing transaction testing, a “No” answer indicates a possible exception/deficiency and you should explain it in the work papers. If a line item is not applicable within the area you are reviewing, indicate by using “NA.”

Underline the applicable use: **Audit** **Financial Institution Policies** **Transaction Testing**

Yes No NA

12 CFR 205.5 - Issuance of Access Devices

1. Do the financial institution’s policies, practices, and procedures allow that validated access devices are issued only:
 - In response to oral or written requests (12 CFR 205.5(a)(1)) or
 - As a renewal or substitution for an accepted access device? (12 CFR 205.5(a)(2))

2. Do the financial institution’s policies, practices, and procedures allow that unsolicited access devices are issued only when the devices are:
 - Not validated? (12 CFR 205.5(b)(1))
 - Accompanied by a clear explanation that they are not validated and how they may be disposed of if validation is not desired? (12 CFR 205.5(b)(2))
 - Accompanied by the initial disclosures required by 12 CFR 205.7? (12 CFR 205.5(b)(3))
 - Validated only in response to a consumer’s request and after the financial institution has verified the consumer’s identity by reasonable means (e.g., photograph, fingerprint, personal visit, signature)? (12 CFR 205.5(b)(4) and Staff Commentary)

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Yes No NA

12 CFR 205.6 - Consumer Liability for Unauthorized Electronic Fund Transfers

3. Does the financial institution impose liability on the consumer for unauthorized transfers only if: (12 CFR 205.6(a))
- Any access device that was used was an accepted access device? Yes No NA
 - The institution has provided a means to identify the consumer to whom it was issued? Yes No NA
 - The institution has provided the disclosures required by Section 205.7(b)(1), (2), and (3)? Yes No NA
4. Does the financial institution NOT rely on consumer negligence or the deposit agreement to impose greater consumer liability for unauthorized EFTs than is permitted under Regulation E? (Staff Commentaries 205.6(b)-1 and -2) Yes No NA
5. If a consumer notifies the financial institution within two business days after learning of the loss or theft of an access device, does the financial institution limit the consumer's liability for unauthorized EFTs to the lesser of \$50 or actual loss? (12 CFR 205.6(b)(1)) Yes No NA
6. If a consumer does not notify the financial institution within two business days after learning of the loss or theft of an access device, does the institution limit the consumer's liability for unauthorized EFTs to the lesser of \$500 or the sum of (12 CFR 205.6(b)(2)):
- \$50 or the amount of unauthorized EFTs that occurred within the two business days, whichever is less; Yes No NA
 - PLUS
 - The amount of unauthorized EFTs that occurred after the close of two business days and before notice to the financial institution (provided the financial institution establishes that these transfers would not have occurred had the consumer notified the financial institution within that two-day period)? Yes No NA

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| 7. If a consumer notifies the financial institution of an unauthorized EFT within 60 calendar days of transmittal of the periodic statement upon which the unauthorized EFT appears, does the financial institution not hold the consumer liable for the unauthorized transfers that occur after the 60-day period?
(12 CFR 205.6(b)(3)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. If a consumer does not notify the financial institution of an unauthorized EFT within 60 calendar days of transmittal of the periodic statement upon which the unauthorized EFT appears, does the financial institution ensure that the consumer's liability does not exceed the amount of the unauthorized transfers that occur after the close of the 60 days and before notice to the financial institution, if the financial institution establishes that the transfers would not have occurred had timely notice been given? (12 CFR 205.6(b)(3)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. If a consumer notifies the financial institution of an unauthorized EFT within the timeframes discussed in questions 7 or 8 and the consumer's access device is involved in the unauthorized transfer, does the financial institution hold the consumer liable for amounts as set forth in 12 CFR 205.6(b)(1) or (2) (discussed in questions 5 and 6)? (12 CFR 205.6(b)(3)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>Note:</i> The first two tiers of liability (as set forth in 12 CFR 205.6(b)(1) and (2) and discussed in questions 5 and 6) do not apply to unauthorized transfers from a consumer's account made without an access device.
(Staff Commentary 205.6(b)(3)-2) | | | |
| 10. Does the financial institution extend the 60-day time period by a reasonable amount, if the consumer's delay in notification was due to extenuating circumstance? (12 CFR 205.6(b)(4)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Does the financial institution consider notice to be made when the consumer takes steps reasonably necessary to provide the institution with pertinent information, whether or not a particular employee or agent of the institution actually received the information? (12 CFR 205.6(b)(5)(i)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Does the financial institution allow the consumer to provide notice in person, by telephone, or in writing? (12 CFR 205.6(b)(5)(ii)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Does the financial institution considers written notice to be given at the time the consumer mails or delivers the notice for transmission to the institution by any other usual means? (12 CFR 205.6(b)(5)(iii)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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| 14. Does the financial institution consider notice given when it becomes aware of circumstances leading to the reasonable belief that an unauthorized transfer to or from the consumer's account has been or may be made?
(12 CFR 205.6(b)(5)(iii)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Does the financial institution limit the consumer's liability to a lesser amount than provided by 12 CFR 205.6, when state law or an agreement between the consumer and the financial institution provide for such an amount?
(12 CFR 205.6(b)(6)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

12 CFR 205.7 - Initial Disclosures

- | | | | |
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| 16. Does the financial institution provide the initial disclosures at the time a consumer contracts for an EFT service or before the first EFT is made involving the consumer's account? (12 CFR 205.7(a)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. Do the financial institution's initial disclosures provide the following information, as applicable: | | | |
| <ul style="list-style-type: none"> • A summary of the consumer's liability for unauthorized transfers under 12 CFR 205.6 or under state or other applicable law or agreement?
(12 CFR 205.7(b)(1)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • The telephone number and address of the person or office to be notified when the consumer believes that an unauthorized EFT has been or may be made? (12 CFR 205.7(b)(2)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • The financial institution's business days? (12 CFR 205.7(b)(3)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • The type of EFTs the consumer may make and any limits on the frequency and dollar amount of transfers? (If details on the limits on frequency and dollar amount are essential to maintain the security of the system, they need not be disclosed.) (12 CFR 205.7(b)(4)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • Any fees imposed by the financial institution for EFTs or for the right to make transfers? (12 CFR 205.7(b)(5)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • A summary of the consumer's right to receive receipts and periodic statements, as provided in 12 CFR 205.9, and notices regarding preauthorized transfers as provided in 12 CFR 205.10(a) and 205.10(d)?
(12 CFR 205.7(b)(6)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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| <ul style="list-style-type: none"> • A summary of the consumer’s right to stop payment of a preauthorized EFT and the procedure for placing a stop payment order, as provided in 12 CFR 205.10(c)? (12 CFR 205.7(b)(7)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • A summary of the financial institution’s liability to the consumer for its failure to make or to stop certain transfers under the EFTA? (12 CFR 205.7(b)(8)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • The circumstances under which the financial institution, in the ordinary course of business, may disclose information to third parties concerning the consumer’s account? (12 CFR 205.7(b)(9)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • An error resolution notice that is substantially similar to the Model Form A-3 in appendix A? (12 CFR 205.7(b)(10)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • A notice that a fee may be imposed by an ATM operator (as defined in section 205.16(a)) when the consumer initiates an EFT or makes a balance inquiry and by any network used to complete the transaction? (12 CFR 205.7(b)(11)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 18. Does the financial institution provide disclosures at the time a new EFT service is added, if the terms and conditions of the service are different than those initially disclosed? (12 CFR 205.7(c)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**12 CFR 205.8 - Change-in-Terms Notice;
Error Resolution Notice**

- | | | | |
|---|--------------------------|--------------------------|--------------------------|
| 19. If the financial institution made any changes in terms or conditions required to be disclosed under section 205.7(b) that would result in increased fees, increased liability, fewer types of available EFTs, or stricter limits on the frequency or dollar amount of transfers, did the financial institution provide a written notice to consumers at least 21 days prior to the effective date of such change? (12 CFR 205.8(a)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. Does the financial institution provide either the long form error resolution notice at least once every calendar year or the short form error resolution notice on each periodic statement? (12 CFR 205.8(b)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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Yes No NA

12 CFR 205.9 - Receipts at Electronic Terminals; Periodic Statements

- | | | | | |
|-----|--|--------------------------|--------------------------|--------------------------|
| 21. | Does the financial institution makes receipts available to the consumer at the time the consumer initiates an EFT at an electronic terminal? The financial institution is exempt from this requirement for EFTs of \$15 or less. (12 CFR 205.9(a) and (e)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | Do the receipts contain the following information, as applicable: | | | |
| | • The amount of the transfer? (12 CFR 205.9(a)(1)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | • The date the transfer was initiated? (12 CFR 205.9(a)(2)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | • The type of transfer and the type of account to or from which funds were transferred? (12 CFR 205.9(a)(3)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | • A number or code that identifies the consumer's account or the access device used to initiate the transfer? (12 CFR 205.9(a)(4)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | • The terminal location where the transfer is initiated? (12 CFR 205.9(a)(5)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | • The name or other identifying information of any third party to or from whom funds are transferred? (12 CFR 205.9(a)(6)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | Does the financial institution send a periodic statement for each monthly cycle in which an EFT has occurred? If no EFT occurred, does the financial institution send a periodic statement at least quarterly? (12 CFR 205.9(b)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | Does the periodic statement contain the following information, as applicable: | | | |
| | • Transaction information for each EFT occurring during the cycle, including the amount of transfer, date of transfer, type of transfer, terminal location, and name of any third party transferor or transferee? (12 CFR 205.9(b)(1)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | • Account number? (12 CFR 205.9(b)(2)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | • Fees? (12 CFR 205.9(b)(3)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | • Account balances? (12 CFR 205.9(b)(4)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | • Address and telephone number for inquiries? (12 CFR 205.9(b)(5)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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| <ul style="list-style-type: none"> • Telephone number to ascertain preauthorized transfers, if the financial institution provides telephone notice under 12 CFR 205.10(a)(1)(iii)? (12 CFR 205.9(b)(6)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

12 CFR 205.10 - Preauthorized Transfers

- | | | | |
|--|--|--|--|
| <p>25. If a consumer's account is to be credited by a preauthorized EFT from the same payor at least once every 60 days (and the payor does not already provide notice to the consumer that the transfer has been initiated) (12 CFR 205.10(a)(2)), does the financial institution do one of the following:</p> <ul style="list-style-type: none"> • Provide oral or written notice, within two business days, after the transfer occurs? (12 CFR 205.10(a)(1)(i)) • Provide oral or written notice, within two business days after the transfer was scheduled to occur, that the transfer did or did not occur? (12 CFR 205.10(a)(1)(ii)) • Provide a readily available telephone line that the consumer can call to determine if the transfer occurred and that telephone number is disclosed on the initial disclosure of account terms and on each periodic statement? (12 CFR 205.10(a)(1)(iii)) | <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

 | <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

 | <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

 |
| <p>26. Does the financial institution credit the amount of a preauthorized transfer as of the date the funds for the transfer are received? (12 CFR 205.10(a)(3))</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>27. Does the financial institution ensure that an authorization is obtained for preauthorized transfers from a consumer's account by a written, signed or similarly authenticated authorization, and is a copy of the authorization provided to the consumer? (12 CFR 205.10(b))</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>28. Does the financial institution allow the consumer to stop payment on a preauthorized EFT by oral or written notice at least three business days before the scheduled date of the transfer? (12 CFR 205.10(c)(1))</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>29. If the financial institution requires that the consumer give written confirmation of an oral stop-payment order within 14 days, does the financial institution inform the consumer, at the time they give oral notification, of the requirement and provide the address where they must send the written confirmation?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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Yes No NA

Note: An oral stop-payment order ceases to be binding after 14 days if the consumer fails to provide the required written confirmation. (12 CFR 205.10(c)(2))

30. Does the financial institution inform, or ensure that third party payees inform, the consumer of the right to receive notice of all varying transfers?

OR

Does the financial institution give the consumer the option of receiving notice only when a transfer falls outside a specified range of amounts or differs from the most recent transfer by an agreed-upon amount? (12 CFR 205.10(d)(2))

31. If the financial institution or third party payee is obligated to send the consumer written notice of the EFT of a varying amount, does the financial institution ensure that:
- The notice contains the amount and date of transfer?
 - The notice is sent at least 10 days before the scheduled date of transfer? (12 CFR 205.10(d)(1))

32. Does the financial institution not condition an extension of credit to a consumer on the repayment of loans by preauthorized EFT, except for credit extended under an overdraft credit plan or extended to maintain a specified minimum balance in the consumer's account? (12 CFR 205.10(e)(1))

33. Does the financial institution not require a consumer to establish an account for EFTs with a particular institution as a condition of employment or receipt of government benefits? (12 CFR 205.10(e)(2))

12 CFR 205.11 - Procedures for Resolving Errors

34. Does the financial institution have procedures to investigate and resolve all oral or written notices of error received no later than 60 days after the institution sends the periodic statement or provides passbook documentation? (12 CFR 205.11(b)(2))

35. If the financial institution requires written confirmation of an error within 10 business days of an oral notice, does the financial institution inform the consumer of this requirement and provide the address where the written confirmation must be sent? (12 CFR 205.11(b)(2))

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| 36. Does the financial institution have procedures to investigate and resolve alleged errors within 10 business days, except as otherwise provided in 12 CFR 205.11(c)? (12 CFR 205.11(c)(1)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>Note:</i> The time period is extended in certain circumstances. (12 CFR 205.11(c)(3)) | | | |
| 37. Does the financial institution report investigation results to the consumer within three business days after completing its investigation and correct any error within one business day after determining that an error occurred? (12 CFR 205.11(c)(1)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. If the financial institution is unable to complete its investigation within 10 business days, does the financial institution have procedures to investigate and resolve alleged errors within 45 calendar days of receipt of a notice of error; and: | | | |
| • Does the financial institution provisionally credit the consumer's account in the amount of the alleged error (including interest, if applicable) within 10 business days of receiving the error notice (however, if the financial institution requires, but does not receive, written confirmation within 10 business days, the financial institution is not required to provisionally credit the consumer's account)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Within two business days after granting any provisional credit, does the financial institution inform the consumer of the amount and date of the provisional credit and gives the consumer full use of the funds during the investigation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Within one business day after determining that an error occurred, does the financial institution correct the error? and | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Does the financial institution report the results to the consumer within three business days after completing its investigation including, if applicable, notice that a provisional credit has been made final? (12 CFR 205.11(c)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • <i>Note:</i> The time period is extended in certain circumstances. (12 CFR 205.11(c)(3)) | | | |

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| 39. If a billing error occurred, does the financial institution not impose a charge related to any aspect of the error-resolution process? (Staff Commentary 205.11(c)-3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 40. If the financial institution determines that no error occurred (or that an error occurred in a manner or amount different from that described by the consumer), does the financial institution send a written explanation of its findings to the consumer and note the consumer's right to request the documents the financial institution used in making its determination? (12 CFR 205.11(d)(1)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 41. When the financial institution determines that no error (or a different error) occurred, does the financial institution notify the consumer of the date and amount of the debiting of the provisionally credited amount and the fact that the financial institution will continue to honor checks and drafts to third parties and preauthorized transfers for five business days (to the extent that they would have been paid if the provisionally credited funds had not been debited)? (12 CFR 205.11(d)(2)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

12 CFR 205.13 - Record Retention

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| 42. Does the financial institution maintain evidence of compliance with the requirements of the EFTA and Regulation E for a period of two years? (12 CFR 205.13(b)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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12 CFR 205.16 - Disclosures at Automated Teller Machines (ATM)

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|--|--------------------------|--------------------------|--------------------------|
| 43. If the financial institution operates an ATM and imposes a fee on a consumer for initiating an EFT or balance inquiry, does the financial institution provide notice that a fee will be imposed and disclose the amount of the fee? (12 CFR 205.16(b)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 44. Does the financial institution post the notice required by section 205.16(b) in a prominent and conspicuous location on or at the ATM? (12 CFR 205.16(c)(1)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 45. Does the financial institution provide the notice required by section 205.16(b) either by showing it on the ATM screen or by providing it on paper before the consumer is committed to paying a fee? (12 CFR 205.16(c)(2)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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12 CFR 205.17 Requirements for Overdraft Services

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| 46. Does the financial institution’s Overdraft Protection Program incorporate the agency’s guidance as applicable? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 47. Does the financial institution’s Overdraft Protection Program provide “overdraft services,” i.e., charge fees for paying ATM and one-time debit overdrafts? (12 CFR 205.17(a)) <u>If no, do not complete this section</u> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 48. If the financial institution assesses a fee or charge (Note: fees or charges may generally be assessed only on transactions paid after the confirmation has been mailed or delivered) on the consumer’s account for paying an ATM or one-time debit card transaction pursuant to the financial institutions overdraft service, does the financial institution first (12 CFR 205.17(b)(1)): | | | |
| • Provide the consumer with a notice in writing, or if the consumer agrees, electronically, that is segregated from all other information and describes the institution’s overdraft service (12 CFR 205.17(b)(1)(i)); | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Provide a reasonable opportunity for the consumer to affirmatively consent, or opt-in, to the institution’s payment of ATM and one-time debit card transactions (12 CFR 205.17(b)(1)(ii)); | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Obtain the consumer’s affirmative consent, or opt-in, to the institution’s payment of ATM or one-time debit card transactions (12 CFR 205.17(b)(1)(iii)); and | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Provide the consumer with confirmation of the consumer’s consent in writing, or if the consumer agrees, electronically, which includes a statement informing the consumer of the right to revoke such consent? (12 CFR 205.17(b)(1)(iv)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 49. Does the financial institution ensure that it does not condition the payment of any overdrafts for checks, ACH transactions, and other types of transactions on the consumer affirmatively consenting to the institution’s payment of ATM and one-time debit card transactions pursuant to the institution’s “overdraft services”? (12 CFR 205.17(b)(2)(i)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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| 50. Does the financial institution pay checks, ACH transactions, and other types of transactions that overdraw the consumer’s account regardless of whether the consumer has affirmatively consented to the institution’s overdraft protection service for ATM and one-time debit card transactions?
(12 CFR 205.17(b)(2)(ii)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 51. For consumers who have not opted in, and if an overdraft fee or charge is based on the amount of the outstanding negative balance, does the institution only assess fees where the negative balance is attributable in whole or in part to a check, ACH, or other type of transaction not subject to the prohibition on assessment of overdraft fees?

For consumers who have not opted in, does the financial institution only assess daily or sustained overdraft, negative balance, or similar fees or charges where the negative balance is attributable in whole or in part to a check, ACH, or other type of transaction not subject to the prohibition on assessment of overdraft fees?

Does the institution base the date on which such a daily or sustained overdraft, negative balance, or similar fee or charge is assessed on the date on which the check, ACH, or other type of transaction was paid into overdraft? Commentary 205.17(b)-9 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 52. Does the financial institution provide consumers who do not affirmatively consent to the institution’s overdraft service for ATM and one-time debit card transactions the same account terms, conditions, and features that it provides to consumers who affirmatively consent, except for the overdraft service for ATM and one-time debit card transactions? (12 CFR 205.17(b)(3)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 53. Is the notice required by (12 CFR 205.17(b)(1)(i)) substantially similar to Model Form A-9 set forth in Appendix A of (12 CFR 205.17), including applicable items from the list below, and does it not contain any additional information? (12 CFR 205.17(d)): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • Overdraft Service – Does the notice provide a brief description of the overdraft service and the types of transactions for which a fee or charge off paying an overdraft may be imposed, including ATM and one-time debit card transactions? (12 CFR 205.17(d)(1)); | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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|--|--------------------------|--------------------------|--------------------------|
| <ul style="list-style-type: none"> • Fees imposed – Does the notice contain the dollar amount of any fees or charges assessed by the financial institution for paying an ATM or one-time debit card transaction pursuant to the financial institution’s overdraft service, including any daily or other overdraft fees? Note: If the amount of the fee is determined on the basis of the number of times the consumer has overdrawn the account, the amount of the overdraft, or other factors, the institution must disclose the maximum fee that may be imposed. (12 CFR 205.17(d)(2)); | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • Limits on Fees Charged – Does the notice disclose the maximum number of overdraft fees or charges that may be assessed per day, or, if applicable, that there is no limit? (12 CFR 205.17(d)(3)); | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • Disclosure of opt-in right – Does the notice explain the consumer’s right to affirmatively consent to the financial institution’s payment of overdrafts for ATM and one-time debit card transactions pursuant to the institution’s overdraft service, including the methods by which the consumer may consent to the service? (12 CFR 205.17(d)(4)); | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • Alternative Plans for Covering Overdrafts – As applicable, does the institutions opt-in notice appropriately addresses the alternative methods for covering overdrafts? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • If the institution offers both a line of credit subject to the Board’s Regulation Z (12 CFR part 226) and a service that transfers funds from another account of the consumer held at the institution to cover overdrafts, does the notice state that both alternative plans are offered. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • If the institution offers one, but not the other, does the notice state which of the alternative plan it offers. If the institution does not offer either a line of credit subject to the Board’s Regulation Z (12 CFR part 226) or a service that transfers funds from another account of the consumer held at the institution to cover overdrafts plan, does the notice exclude information regarding the either it of these plans. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • If the financial institution offers additional alternatives for paying overdrafts, at its option the institution may (but is not required to) disclose those alternatives. Does its notice describe those alternatives? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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- | | Yes | No | NA |
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| <ul style="list-style-type: none"> • Permitted Modifications and Additional Content – If the institution modifies the notice are the modifications permitted: to indicate that the consumer has the right to opt into, or out of, the payment of overdrafts under the institution’s overdraft service for other types of transactions, such as checks, ACH transactions, or automatic bill payments; to provide a means for the consumer to exercise this choice; and to disclose the associated returned item fee and that additional merchant fees may apply. The institution may also disclose the consumer’s right to revoke consent. The response portion of Model Form A-9 may be tailored to the methods offered for opting in, and may include reasonable methods to identify the account, such as a bar code. For notices provided to consumers who have opened accounts prior to July 1, 2010, the financial institution may describe the institution’s overdraft service with respect to ATM and one-time debit card transactions with a statement such as “After August 15, 2010, we will not authorize and pay overdrafts for the following types of transactions unless you ask us to (see below)”. (12 CFR 205.17(d)(6) and Commentary 20517(d)-1 through -5)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 54. Joint Accounts – When two or more consumers jointly hold an account, does the financial institution treat the affirmative consent of any of the joint consumers as affirmative consent for that account, and treat the revocation of affirmative consent by any of the joint consumers as revocation of consent for that account? (12 CFR 205.17(e)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 55. Continuing Right to Opt-In or to Revoke Opt-In - Does the financial institution allow the consumer to affirmatively consent to the financial institution’s overdraft service at any time in the manner described in the notice required (12 CFR 205.17(b)(1)(i)) and allow a consumer to revoke consent at any time in the manner made available to the consumer for providing consent? (12 CFR 205.17(f)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 56. Does the financial institution implement a consumer’s revocation of consent as soon as reasonably practicable? (12 CFR 205.17(f)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 57. Is the consumer’s affirmative consent to the overdraft service effective until revoked by the consumer, or unless the financial institution terminates the service? (12 CFR 205.17(g)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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12 CFR 205.18 - Payroll Card Accounts

58. If the financial institution offers payroll card accounts, does the financial institution EITHER provide periodic statements as required by 12 CFR 205.9(b) OR make available to the consumer:
- The account balance, through a readily available telephone line, AND
 - An electronic history of the consumer's account transactions, such as through an Internet Web site, that covers at least 60 days preceding the date the consumer electronically accesses the account, AND
 - A written history of the consumer's account transactions that is provided promptly in response to an oral or written request and that covers at least 60 days preceding the date the financial institution receives the consumer's request? (12 CFR 205.18(b))
 - *Note:* The history of account transactions must include the information set forth in section 205.9(b).
59. Does the financial institution provide initial disclosures that include, at a minimum:
- A telephone number that the consumer may call to obtain the account balance, the means by which the consumer can obtain an electronic account history, such as the address of an Internet Web site, and a summary of the consumer's right to receive a written account history upon request, including a telephone number to call to request a history, and
 - A notice concerning error resolution? (12 CFR 205.18(c)(1))
60. Does the financial institution provide an annual notice concerning error resolution or, alternatively, an abbreviated notice with each electronic and written history? (12 CFR 205.18(c)(2))

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| 61. Does the financial institution begin the 60-day period for reporting any unauthorized transfer under 12 CFR 205.6(b)(3) on the earlier of the date the consumer electronically accesses the consumer's account after the electronic history made available to the consumer reflects the transfer; or the date the financial institution sends a written history of the consumer's account transactions requested by the consumer in which the unauthorized transfer is first reflected? (12 CFR 205.18(c)(3)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Note: A financial institution may comply with the provision above by limiting the consumers liability for an unauthorized transfer as provided under 12 CFR 205.6(b)(3) for any transfer reported by the consumer within 120 days after the transfer was credited or debited to the consumer's account.

- | | | | |
|---|--------------------------|--------------------------|--------------------------|
| 62. Does the financial institution comply with the error resolution requirements in response to an oral or written notice of an error from the consumer that is received by the earlier of 60 days after the date the consumer electronically accesses the consumer's account after the electronic history made available to the consumer reflects the alleged error; or 60 days after the date the financial institution sends a written history of the consumer's account transactions requested by the consumer in which the alleged error is first reflected? (12 CFR 205.18(c)(4)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|

Note: The financial institution may comply with the requirements for resolving errors by investigating any oral or written notice of an error from the consumer that is received by the institution within 120 days after the transfer allegedly in error was credited or debited to the consumer's account.

12 CFR 205.20 Requirements for Gift Cards and Gift Certificates

- | | | | |
|---|--------------------------|--------------------------|--------------------------|
| 63. Does the institution offers the financial institution a party in a certificate or card distribution chain, including but not limited to a card issuer, a program manager, and a retailer of prepaid cards, to the extent it engages in any of the acts covered by that section with respect to gift certificates, store value cards, or general-use prepaid cards, or to loyalty, award, or promotional gift cards? <u>If no, do not complete this section.</u> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 64. Determine if the institution offers consumers, primarily for personal, family, or household purposes, in a specified amount, a card, code, or other device on a prepaid basis, the following: | | | |

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- | | Yes | No | NA |
|---|--------------------------|--------------------------|--------------------------|
| <ul style="list-style-type: none"> • Gift certificates – which may not be increased or reloaded in exchange for payment; and are redeemable upon presentation at a single merchant or an affiliated group of merchants for goods and services?
(12 CFR 205.20(a)(1)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • Store gift cards – which may be increased or reloaded, in exchange for payment; and are redeemable upon presentation at a single merchant or an affiliated group of merchants for goods and services?
(12 CFR 205.20(a)(2)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • General-use prepaid cards – which may be increased or reloaded, in exchange for payment; and are redeemable upon presentation at multiple, unaffiliated merchants for goods or services, or useable at automated teller machines? (12 CFR 205.20(a)(3)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 65. Do loyalty, award or promotional gift cards as defined by (12 CFR 205.20(a)(4)), contain the following disclosures as applicable?: | | | |
| <ul style="list-style-type: none"> • A statement indicating that the card, code, or other device is issued for loyalty, award, or promotional purposes, which must be included on the front of the card, code, or other device (12 CFR 205.20(a)(4)(iii)(A)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • The expiration date for the underlying funds, which must be included on the front of the card, code, or other device (12 CFR 205.20(a)(4)(iii)(B)); | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • The amount of fees that may be imposed in connection with the card, code, or other device, and the conditions under which they may be imposed, which must be provided with the card, code, or other device (12 CFR 205.20(a)(4)(iii)(C)); and | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • A toll-free telephone number and, if one is maintained, a Web site, that a consumer may use to obtain fee information, which must be included on or with the card, code, or other device (12 CFR 205.20(a)(4)(iii)(D)). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 66. If the terms of the gift certificate, store gift card, or general-use prepaid card impose a dormancy, inactivity, or service fee as defined under (12 CFR 205.20(a)), please answer the following: | | | |
| <ul style="list-style-type: none"> • Has there been activity with respect to the certificate or card, in the one year period ending on the date on which the fee was imposed (12 CFR 205.20(d)(1)); | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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	Yes	No	NA
70. For cards issued prior to April 1, 2010, §§205.20 (c)(3), (d)(2), (e)(1), (e)(3), and (f) do not apply until January 31, 2011 if certain conditions are met. If applicable, determine that the issuer:			
• Complies with all other non-suspended provisions of the gift card rules;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Does not impose an expiration date with respect to the funds underlying such certificate or card and, at the consumer's request, replaces such certificate or card if it has funds remaining, at no cost to the consumer;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Discloses through in-store signage, messages during customer service calls, web sites, and general advertising, that:			
— The underlying funds of such certificate or card do not expire;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
— Consumers holding such certificate or card have a right to a free replacement certificate or card, accompanied by the packaging and materials typically associated with such certificate or card; and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
— Any dormancy, inactivity, or service fee for such certificate or card that might otherwise be charged will not be charged if such fees do not comply with Section 915 of the Electronic Fund Transfer Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Determine that the above disclosures (i) are provided until January 31, 2011, with respect to in-store signage and general advertising, and (ii) are provided until January 31, 2013, with respect to messages during customer service calls and Web sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Endnote

*** Section 205.20(h)(2) allows for a delayed effective date – until January 31, 2011 - for disclosures on the card for gift cards that were produced before April 1, 2010.

COMMENTS

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