

tion and the notice is subsequently removed, damaged, or altered by any person other than the operator of the automated teller machine, the operator shall have no liability under this section for failure to comply with section 1693b(d)(3)(B)(i) of this title.

(Pub. L. 90-321, title IX, §910, as added Pub. L. 95-630, title XX, §2001, Nov. 10, 1978, 92 Stat. 3735; amended Pub. L. 106-102, title VII, §705, Nov. 12, 1999, 113 Stat. 1465; Pub. L. 111-203, title X, §1084(1), July 21, 2010, 124 Stat. 2081.)

#### AMENDMENT OF SECTION

*Pub. L. 111-203, title X, §§1084(1), 1100H, July 21, 2010, 124 Stat. 2081, 2113, provided that, effective on the designated transfer date, this section is amended by striking “Board” each place that term appears and inserting “Bureau”. See Effective Date of 2010 Amendment note below.*

#### AMENDMENTS

1999—Subsec. (d). Pub. L. 106-102 added subsec. (d).

#### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the designated transfer date, see section 1100H of Pub. L. 111-203, set out as a note under section 552a of Title 5, Government Organization and Employees.

### § 1693i. Issuance of cards or other means of access

#### (a) Prohibition; proper issuance

No person may issue to a consumer any card, code, or other means of access to such consumer's account for the purpose of initiating an electronic fund transfer other than—

- (1) in response to a request or application therefor; or
- (2) as a renewal of, or in substitution for, an accepted card, code, or other means of access, whether issued by the initial issuer or a successor.

#### (b) Exceptions

Notwithstanding the provisions of subsection (a) of this section, a person may distribute to a consumer on an unsolicited basis a card, code, or other means of access for use in initiating an electronic fund transfer from such consumer's account, if—

- (1) such card, code, or other means of access is not validated;
- (2) such distribution is accompanied by a complete disclosure, in accordance with section 1693c of this title, of the consumer's rights and liabilities which will apply if such card, code, or other means of access is validated;
- (3) such distribution is accompanied by a clear explanation, in accordance with regulations of the Board, that such card, code, or other means of access is not validated and how the consumer may dispose of such code, card, or other means of access if validation is not desired; and
- (4) such card, code, or other means of access is validated only in response to a request or application from the consumer, upon verification of the consumer's identity.

#### (c) Validation

For the purpose of subsection (b) of this section, a card, code, or other means of access is

validated when it may be used to initiate an electronic fund transfer.

(Pub. L. 90-321, title IX, §911, as added Pub. L. 95-630, title XX, §2001, Nov. 10, 1978, 92 Stat. 3736; amended Pub. L. 111-203, title X, §1084(1), July 21, 2010, 124 Stat. 2081.)

#### AMENDMENT OF SECTION

*Pub. L. 111-203, title X, §§1084(1), 1100H, July 21, 2010, 124 Stat. 2081, 2113, provided that, effective on the designated transfer date, this section is amended by striking “Board” each place that term appears and inserting “Bureau”. See Effective Date of 2010 Amendment note below.*

#### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the designated transfer date, see section 1100H of Pub. L. 111-203, set out as a note under section 552a of Title 5, Government Organization and Employees.

### § 1693j. Suspension of obligations

If a system malfunction prevents the effectuation of an electronic fund transfer initiated by a consumer to another person, and such other person has agreed to accept payment by such means, the consumer's obligation to the other person shall be suspended until the malfunction is corrected and the electronic fund transfer may be completed, unless such other person has subsequently, by written request, demanded payment by means other than an electronic fund transfer.

(Pub. L. 90-321, title IX, §912, as added Pub. L. 95-630, title XX, §2001, Nov. 10, 1978, 92 Stat. 3737.)

### § 1693k. Compulsory use of electronic fund transfers

No person may—

- (1) condition the extension of credit to a consumer on such consumer's repayment by means of preauthorized electronic fund transfers; or
- (2) require a consumer to establish an account for receipt of electronic fund transfers with a particular financial institution as a condition of employment or receipt of a government benefit.

(Pub. L. 90-321, title IX, §913, as added Pub. L. 95-630, title XX, §2001, Nov. 10, 1978, 92 Stat. 3737.)

### § 1693l. Waiver of rights

No writing or other agreement between a consumer and any other person may contain any provision which constitutes a waiver of any right conferred or cause of action created by this subchapter. Nothing in this section prohibits, however, any writing or other agreement which grants to a consumer a more extensive right or remedy or greater protection than contained in this subchapter or a waiver given in settlement of a dispute or action.

(Pub. L. 90-321, title IX, §914, as added Pub. L. 95-630, title XX, §2001, Nov. 10, 1978, 92 Stat. 3737.)