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# 15 U.S. Code § 1693h

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## Liability of financial institutions

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### **(a) Action or failure to act proximately causing damages**

Subject to subsections (b) and (c), a financial institution shall be liable to a consumer for all damages proximately caused by—

- (1) the financial institution's failure to make an electronic fund transfer, in accordance with the terms and conditions of an account, in the correct amount or in a timely manner when properly instructed to do so by the consumer, except where—
  - (A) the consumer's account has insufficient funds;
  - (B) the funds are subject to legal process or other encumbrance restricting such transfer;
  - (C) such transfer would exceed an established credit limit;
  - (D) an electronic terminal has insufficient cash to complete the transaction; or
  - (E) as otherwise provided in regulations of the Bureau;

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