

219--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MAZIARZ, BONACIC, FLANAGAN, FUSCHILLO, JOHNSON, RANZENHOFER, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Banks -- recommitted to the Committee on Banks in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the banking law, in relation to preauthorized electronic fund transfers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 9-s of the banking law, as added by chapter 550 of
2 the laws of 1998 and as further amended by section 104 of part A of
3 chapter 62 of the laws of 2011, is amended to read as follows:
4 S 9-s. Preauthorized electronic fund transfers. 1. Every banking
5 institution which provides preauthorized electronic fund transfers from
6 consumer accounts shall, in accordance with regulations adopted by the
7 superintendent of financial services, provide consumers with the right
8 to stop payment by giving written or oral notice within a specified
9 period of time prior to such transfer. [Any banking institution which
10 complies with the stop payment provisions of the federal Electronic
11 Funds Transfer Act, as such act may be amended from time to time, and
12 any regulations adopted pursuant thereto, shall be deemed to be in
13 compliance with the provisions of this section.] For purposes of this
14 section, "banking institution" shall mean any state or federally char-
15 tered bank, trust company, savings bank, savings and loan association or
16 credit union, and "consumer account" shall mean an account used primari-
17 ly for personal, family or household purposes.
18 2. NO AGREEMENT FOR PREAUTHORIZED ELECTRONIC FUND TRANSFERS ENTERED
19 INTO ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN SHALL PERMIT OR
20 REQUIRE THE TRANSFER FROM A CONSUMER ACCOUNT OF ANY FUNDS AS A PENALTY

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 OR A FINAL PAYMENT AFTER THE CONSUMER HAS GIVEN WRITTEN OR ORAL NOTICE
2 TO STOP PAYMENT TO HIS OR HER FINANCIAL INSTITUTION.

3 3. ANY BANKING INSTITUTION WHICH COMPLIES WITH THE STOP PAYMENT
4 PROVISIONS OF THE FEDERAL ELECTRONIC FUNDS TRANSFER ACT, AS SUCH ACT MAY
5 BE AMENDED FROM TIME TO TIME, AND ANY REGULATIONS ADOPTED PURSUANT THER-
6 ETO, SHALL BE DEEMED TO BE IN COMPLIANCE WITH THE PROVISIONS OF THIS
7 SECTION.

8 S 2. This act shall take effect immediately.