

1519

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sen. DUANE -- read twice and ordered printed, and when
printed to be committed to the Committee on Banks

AN ACT to amend the banking law, in relation to making ATMs accessible
to the visually impaired

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

1 Section 1. The banking law is amended by adding a new article 2-D to
2 read as follows:

3 ARTICLE II-D

4 AUTOMATED TELLER MACHINE REQUIREMENTS

5 SECTION 90-A. LEGISLATIVE FINDINGS.

6 90-B. DEFINITIONS.

7 90-C. AUTOMATED TELLER MACHINE REQUIREMENTS.

8 S 90-A. LEGISLATIVE FINDINGS. THE LEGISLATURE FINDS THAT AS TECHNOLOGY
9 INCREASES, MORE AND MORE PEOPLE RELY ON AUTOMATED TELLER MACHINES (ATMS)
10 AS A METHOD FOR DOING DAILY BANKING TASKS. THE LEGISLATURE FURTHER FINDS
11 THAT WHILE SOME ATMS CURRENTLY HAVE BRAILLE LABELS INDICATING THE FUNC-
12 TIONS OF SOME BUTTONS, MOST MACHINES DO NOT HAVE ANY NON-VISUAL METHOD
13 FOR READING OR RELAYING THE SEQUENCE OF MESSAGES THAT APPEAR ON THE
14 SCREEN. THE LEGISLATURE THEREFORE DECLARES THAT IT IS NECESSARY TO
15 ENSURE THAT ALL INDIVIDUALS HAVE AN EQUAL OPPORTUNITY TO ACCESS THESE
16 MACHINES.

17 S 90-B. DEFINITIONS. 1. "AUTOMATED TELLER MACHINE" SHALL HAVE THE
18 SAME MEANING AS IS DEFINED IN SECTION SEVENTY-FIVE-B OF THIS CHAPTER.

19 2. "BANKING INSTITUTION" SHALL HAVE THE SAME MEANING AS IS DEFINED IN
20 SECTION SEVENTY-FIVE-B OF THIS CHAPTER.

21 3. "VISUAL TRANSMISSION SYSTEM" SHALL MEAN THE GRAPHIC DISPLAY OF
22 INFORMATION BY AN AUTOMATED TELLER MACHINE.

23 4. "AUDIO TRANSMISSION SYSTEM" SHALL MEAN A SYSTEM THAT RECITES WITH
24 SONIC CLARITY SUBSTANTIALLY THE SAME INFORMATION THAT IS CONVEYED BY A
25 VISUAL TRANSMISSION SYSTEM.

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

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1 S 90-C. AUTOMATED TELLER MACHINE REQUIREMENTS. EVERY BANKING INSTITU-
2 TION SHALL MAINTAIN THE FOLLOWING REQUIREMENTS WITH RESPECT TO EACH OF
3 THE AUTOMATED TELLER MACHINES WITHIN ITS DOMINION AND CONTROL TO PROVIDE
4 EQUAL ACCESS FOR ALL INDIVIDUALS.

5 1. ANY AUTOMATED TELLER MACHINE INSTALLED ON OR AFTER THE EFFECTIVE
6 DATE OF THIS ARTICLE SHALL TRANSMIT ANY MESSAGE THROUGH BOTH (A) A VISU-
7 AL TRANSMISSION SYSTEM, AND (B) AN AUDIO TRANSMISSION SYSTEM.

8 2. ANY AUTOMATED TELLER MACHINE INSTALLED PRIOR TO THE EFFECTIVE DATE
9 OF THIS ARTICLE SHALL, WHENEVER AN UPGRADE OR REPLACEMENT OF SUCH AUTO-
10 MATED TELLER MACHINE BECOMES NECESSARY, BE UPGRADED OR REPLACED IN SUCH
11 A MANNER SO THAT SUCH AUTOMATED TELLER MACHINE SHALL TRANSMIT ANY
12 MESSAGE THROUGH BOTH (A) A VISUAL TRANSMISSION SYSTEM, AND (B) AN AUDIO
13 TRANSMISSION SYSTEM.

14 S 2. This act shall take effect on the one hundred twentieth day after
15 it shall have become a law; provided that the superintendent of banks is
16 authorized to promulgate any and all rules and regulations and take any
17 other measures necessary to implement this act on its effective date on
18 or before such date.