S T A T E O F N E W Y O R K

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I N S E N A T E

March 29, 2010

Introduced by Sen. PERALTA -- 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 establishing a rating system for automated teller machine usage fees

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

Section 1. The banking law is amended by adding a new section 9-v to read as follows:

S 9-V. AUTOMATED TELLER MACHINE USAGE FEE RATING SYSTEM. 1. FOR PURPOSES OF THIS SECTION, THE TERM:

A. "AUTOMATED TELLER MACHINE" OR "ATM" SHALL HAVE THE SAME MEANING AS SET FORTH IN SUBDIVISION TWO OF SECTION SEVENTY-FIVE-B OF THIS CHAPTER; AND

B. "USAGE FEE" SHALL MEAN THE FEE CHARGED BY THE OWNER OR OPERATOR OF AN ATM TO THE PERSON WHO CONDUCTS A TRANSACTION AT SUCH ATM.

2. ON AND AFTER OCTOBER FIRST, TWO THOUSAND TEN, EVERY AUTOMATED TELLER MACHINE IN THIS STATE SHALL HAVE POSTED ON SUCH ATM, A RATING LETTER TO DESIGNATE THE USAGE FEE CHARGED FOR USING SUCH ATM. SUCH RATING LETTERS SHALL REPRESENT THE FOLLOWING FEES:

A. "A" DESIGNATES A USAGE FEE OF $1.00 OR LESS;

B. "B" DESIGNATES A USAGE FEE OF $1.01 TO $2.00;

C. "C" DESIGNATES A USAGE FEE OF $2.01 TO $3.00;

D. "D" DESIGNATES A USAGE FEE OF $3.01 OR MORE.

3. THE RATING LETTER REQUIRED BY THIS SECTION SHALL BE POSTED ON EACH ATM AND SHALL BE PLACED AS NEARLY AS IS PRACTICABLE TO THE KEYPAD OR CARD INSERTION SLOT ON SUCH ATM. SUCH RATING LETTER SHALL BE PLACED ON A SQUARE SIGN OF AT LEAST THREE INCHES BY THREE INCHES IN SIZE. THE BACKGROUND OF SUCH SIGN SHALL BE YELLOW AND THE LETTER DESIGNATING THE ATM USAGE FEE SHALL BE IN RED. SUCH SIGN SHALL ALSO CONTAIN A BRIEF DESCRIPTION OF THE RATING SYSTEM.

4. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL BE DEEMED TO BE A DECEPTIVE ACT OR PRACTICE AND SUBJECT TO SECTION THREE HUNDRED FORTY-NINE OF THE GENERAL BUSINESS LAW.

S 2. This act shall take effect immediately.

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

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