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

3090

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. BENJAMIN, ALFANO, KOLB -- Multi-Sponsored by -- M. of A. BARRA, CLARK, HOOPER, MILLER -- read once and referred to the Committee on Banks

AN ACT to amend the banking law, in relation to regulating automated teller machines which are not under the dominion and control of a bank

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 14-g to read as follows:

S 14-G. POWER OF THE BANKING BOARD TO REGULATE AUTOMATED TELLER MACHINE FACILITIES WHICH ARE NOT UNDER THE DOMINION AND CONTROL OF A BANK. 1. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, THE BANKING BOARD IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT SUCH RULES AND REGULATIONS THAT ARE, IN ITS DISCRETION, APPROPRIATE TO REGULATE AUTOMATED TELLER MACHINE FACILITIES LOCATED IN ANY BUILDING, STRUCTURE OR SPACE WHOSE PRIMARY PURPOSE OR FUNCTION IS UNRELATED TO BANKING ACTIVITIES, INCLUDING BUT NOT LIMITED TO SUPERMARKETS, AIRPORTS, SCHOOL BUILDINGS, AND PUBLIC BUILDINGS. SUCH RULES AND REGULATIONS SHALL INCLUDE MEASURES TO PROTECT CONSUMERS FROM FRAUD BY VENDORS, ARMORED CAR CARRIERS OR SUPPLIERS OF AUTOMATED TELLER MACHINE FACILITIES, AND THE BUSINESSES THAT LEASE SUCH MACHINE FACILITIES FROM SUCH VENDORS, CARRIERS OR SUPPLIERS, AND BUSINESSES.

2. THE BANKING BOARD SHALL REQUIRE VIDEO CAMERA SURVEILLANCE OF SUCH AUTOMATED TELLER MACHINE FACILITIES AND PRESERVATION OF SUCH RECORDED IMAGES FOR THE SAME PERIOD OF TIME AS IS REQUIRED IN SUBDIVISION ONE OF SECTION SEVENTY-FIVE-C OF THIS CHAPTER.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.

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

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