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

4766--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. WEISENBERG, DelMONTE, DINOWITZ, CLARK, POWELL, CAHILL, ESPAILLAT, CUSICK, BOYLAND, TITUS, TITONE -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, BRENNAN, COLTON, COOK, CYMBROWITZ, FARRELL, GOTTFRIED, HEASTIE, HOOPER, JACOBS, KOON, MAYERSOHN, McDONOUGH, MILLMAN, PAULIN, PERRY, SCARBOROUGH, SWEENEY, TOWNS -- read once and referred to the Committee on Banks -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

ARTICLE 2-D

AUTOMATED TELLER MACHINE REQUIREMENTS

SECTION 90-A. LEGISLATIVE FINDINGS.
90-B. DEFINITIONS.
90-C. AUTOMATED TELLER MACHINE REQUIREMENTS.
90-D. EXCEPTIONS.

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

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

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

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

S 90-C. AUTOMATED TELLER MACHINE REQUIREMENTS. 1. AUTOMATED TELLER MACHINES SHALL BE SPEECH ENABLED. OPERATING INSTRUCTIONS AND ORIENTATION, VISIBLE TRANSACTION PROMPTS, USER INPUT VERIFICATIONS, ERROR MESSAGES, AND ALL DISPLAYED INFORMATION FOR FULL USE SHALL BE ACCESSIBLE TO AND INDEPENDENTLY USABLE BY INDIVIDUALS WITH VISION IMPAIRMENTS. SPEECH SHALL BE DELIVERED THROUGH A MECHANISM THAT IS READILY AVAILABLE TO ALL USERS, INCLUDING, BUT NOT LIMITED TO, AN INDUSTRY STANDARD CONNECTOR OR A TELEPHONE HANDSET.

2. AT LEAST ONE AUTOMATED TELLER MACHINE AT EACH LOCATION AT WHICH AUTOMATED TELLER MACHINES ARE INSTALLED SHALL MEET THE REQUIREMENTS OF THIS ARTICLE.

3. THIS ARTICLE SHALL APPLY TO ANY AUTOMATED TELLER MACHINE INSTALLED SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ARTICLE.

4. THIS ARTICLE SHALL ALSO APPLY TO ANY AUTOMATED TELLER MACHINE INSTALLED PRIOR TO SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ARTICLE WHENEVER THE MACHINE IS REPLACED OR FULLY REHABILITATED.

5. COMPLIANCE WITH GUIDELINES ESTABLISHED BY THE UNITED STATES ACCESS BOARD UNDER THE AMERICANS WITH DISABILITIES ACT SHALL BE DEEMED COMPLIANCE WITH THIS ARTICLE.

S 90-D. EXCEPTIONS. 1. AUDIBLE TONES SHALL BE PERMITTED INSTEAD OF SPEECH FOR VISIBLE OUTPUT THAT IS NOT DISPLAYED FOR SECURITY PURPOSES, INCLUDING, BUT NOT LIMITED TO, ASTERISKS REPRESENTING PERSONAL IDENTIFICATION NUMBERS.

2. ADVERTISEMENTS AND SIMILAR INFORMATION SHALL NOT BE REQUIRED TO BE AUDIBLE UNLESS THEY CONVEY INFORMATION THAT CAN BE USED IN THE TRANSACTION BEING CONDUCTED.

3. WHERE SPEECH SYNTHESIS CANNOT BE SUPPORTED, DYNAMIC ALPHABETIC OUTPUT SHALL NOT BE REQUIRED TO BE AUDIBLE.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the superintendent of banks is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.