

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to accessibility by blind and visually impaired persons to automated teller machines

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

1 Section 1. The general business law is amended by adding a new section  
2 399-i to read as follows:

3 S 399-I. AUTOMATED TELLER MACHINES; ACCESSIBILITY BY BLIND AND VISUAL-  
4 LY IMPAIRED PERSONS. 1. AS USED IN THIS SECTION, THE TERM "AUTOMATED  
5 TELLER MACHINE PROVIDER" MEANS THE PERSON OR ENTITY RESPONSIBLE FOR  
6 PROVIDING AN AUTOMATED TELLER MACHINE FOR USE AT ANY LOCATION, AND THE  
7 TERM "AUTOMATED TELLER MACHINE MANUFACTURER" SHALL MEAN THE PERSON OR  
8 ENTITY WHO OR WHICH MANUFACTURES THE AUTOMATED TELLER MACHINE PROVIDED  
9 AT SUCH LOCATION.

10 2. NO AUTOMATED TELLER MACHINE MAY BE SOLD IN THIS STATE UNLESS THE  
11 NUMBERED BUTTONS OR SPACES ADJACENT TO THE NUMBERED BUTTONS ON THE  
12 MACHINE ARE EQUIPPED BY THE AUTOMATED TELLER MACHINE MANUFACTURER WITH  
13 RAISED LETTERING, RAISED NUMBERS, AND/OR BRAILLE AND UNLESS THE FONT  
14 SIZE USED FOR LETTERS AND NUMBERS ON THE VISUAL SCREEN OF THE MACHINE  
15 CAN BE ENLARGED BY THE PUSH OF A BUTTON IN EITHER CASE SO AS TO RENDER  
16 FULLY ACCESSIBLE AND USABLE SUCH MACHINE BY BLIND AND VISUALLY IMPAIRED  
17 PERSONS.

18 3. EVERY AUTOMATED TELLER MACHINE PROVIDER SHALL PROVIDE VERBAL  
19 ASSISTANCE OR INSTRUCTIONS IN BRAILLE IN THE OPERATION AND USE OF EACH  
20 AUTOMATED TELLER MACHINE PROVIDED BY SUCH PROVIDER.

21 4. IN THE EVENT AN AUTOMATED TELLER MACHINE IN USE IS NOT EQUIPPED AS  
22 DESCRIBED IN SUBDIVISION TWO OF THIS SECTION, THE AUTOMATED TELLER  
23 MACHINE PROVIDER WHO OR WHICH HAS PROVIDED SUCH MACHINE FOR USE AT THE  
24 LOCATION SHALL MAKE SUCH MODIFICATIONS OR ADAPTATIONS TO THE MACHINE AS

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

1 ARE NECESSARY TO RENDER IT FULLY ACCESSIBLE AND USABLE BY BLIND AND  
2 VISUALLY IMPAIRED PERSONS ON OR BEFORE THE EFFECTIVE DATE OF THIS  
3 SECTION.

4 5. A VIOLATION OF SUBDIVISION TWO OF THIS SECTION SHALL BE SUBJECT TO  
5 A CIVIL PENALTY OF TWO THOUSAND FIVE HUNDRED DOLLARS FOR EACH MACHINE  
6 SOLD IN VIOLATION OF THE REQUIREMENTS OF SUCH SUBDIVISION. A VIOLATION  
7 OF SUBDIVISION THREE OR FOUR OF THIS SECTION SHALL BE SUBJECT TO A CIVIL  
8 PENALTY OF ONE THOUSAND DOLLARS PER MACHINE FOR EACH DAY OR PART THEREOF  
9 IN WHICH SUCH PROVIDER OR SUCH AUTOMATED TELLER MACHINE OR BOTH, AS THE  
10 CASE MAY BE, REMAINS IN NON-COMPLIANCE WITH THE PROVISIONS OF SUCH  
11 SUBDIVISION.

12 S 2. This act shall take effect on the first of January next succeed-  
13 ing the date on which it shall have become a law, provided, however,  
14 that effective immediately, the addition, amendment and/or repeal of any  
15 rules or regulations necessary for the implementation of the foregoing  
16 section of this act on its effective date is authorized and directed to  
17 be made and completed on or before such effective date.