1288

2011-2012 Regular Sessions

IN SENATE

January 6, 2011

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

ARTICLE II-D

AUTOMATED TELLER MACHINE REQUIREMENTS

SECTION 90-A. LEGISLATIVE FINDINGS.

90-B. DEFINITIONS.

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90-C. AUTOMATED TELLER MACHINE REQUIREMENTS.

- 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 SOME ATMS CURRENTLY HAVE BRAILLE LABELS INDICATING THE FUNC-TIONS OF SOME BUTTONS, MOST MACHINES DO NOT HAVE ANY NON-VISUAL SEQUENCE OF MESSAGES THAT APPEAR ON THE FOR READING OR RELAYING THESCREEN. THE LEGISLATURE THEREFORE DECLARES THAT ΙT IS NECESSARY 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.
- 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.
- 4. "AUDIO TRANSMISSION SYSTEM" SHALL MEAN A SYSTEM THAT RECITES WITH SONIC CLARITY SUBSTANTIALLY THE SAME INFORMATION THAT IS CONVEYED BY A USUAL TRANSMISSION SYSTEM.

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

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S 90-C. AUTOMATED TELLER MACHINE REQUIREMENTS. EVERY BANKING INSTITUTION SHALL MAINTAIN THE FOLLOWING REQUIREMENTS WITH RESPECT TO EACH OF THE AUTOMATED TELLER MACHINES WITHIN ITS DOMINION AND CONTROL TO PROVIDE EOUAL ACCESS FOR ALL INDIVIDUALS.

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