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

1623

2011-2012 Regular Sessions

I N S E N A T E

January 10, 2011

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:

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

S 399-J. AUTOMATED TELLER MACHINES; ACCESSIBILITY BY BLIND AND VISUALLY IMPAIRED PERSONS. 1. AS USED IN THIS SECTION, THE TERM "AUTOMATED TELLER MACHINE PROVIDER" MEANS THE PERSON OR ENTITY RESPONSIBLE FOR PROVIDING AN AUTOMATED TELLER MACHINE FOR USE AT ANY LOCATION, AND THE TERM "AUTOMATED TELLER MACHINE MANUFACTURER" SHALL MEAN THE PERSON OR ENTITY WHO OR WHICH MANUFACTURES THE AUTOMATED TELLER MACHINE PROVIDED AT SUCH LOCATION.

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

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

4. IN THE EVENT AN AUTOMATED TELLER MACHINE IN USE IS NOT EQUIPPED AS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION, THE AUTOMATED TELLER MACHINE PROVIDER WHO OR WHICH HAS PROVIDED SUCH MACHINE FOR USE AT THE LOCATION SHALL MAKE SUCH MODIFICATIONS OR ADAPTATIONS TO THE MACHINE AS ARE NECESSARY TO RENDER IT FULLY ACCESSIBLE AND USABLE BY BLIND AND

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

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VISUALLY IMPAIRED PERSONS ON OR BEFORE THE EFFECTIVE DATE OF THIS SECTION.

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

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