STATE OF NEW YORK

8705--A

2017-2018 Regular Sessions

IN ASSEMBLY

October 5, 2017

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Banks -- recommitted to the Committee on Banks in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the banking law, in relation to requiring a notice to be posted on all automated teller machines regarding skimming

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections 75-n and 75-o of the banking law, are renumbered 75-o and 75-p and a new section 75-n is added to read as follows:

§ 75-n. Skimming awareness notice. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "automated teller machine operator" shall mean any person who operates an automated teller machine at which consumers may make financial transactions, including, but not limited to, deposits, withdrawals, balance inquiries, and loan payments;

(b) "skimming" shall be defined as obtaining a consumer's personal identifying information as defined in subdivision one of section 190.77 of the penal law through the use of a skimmer device as defined in subdivision two of section 190.85 of the penal law.

2. Notwithstanding section seventy-five-i of this article every automated teller machine operator and banking institution shall place a sign containing a notice regarding skimming on each automated teller machine operated by such automated teller machine operator or banking institution. The attorney general shall promulgate the language for such sign, which shall include steps customers can take to protect themselves from skimming and a phone number for the attorney general's consumer help line or other appropriate contact number as determined by the attorney general to report incidences of suspected skimming.

3. (a) Any automated teller machine operator or banking institution who fails to comply with the requirements of this section shall be

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

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assessed a civil penalty not to exceed two hundred fifty dollars per automated teller machine which lacks the notice required pursuant to subdivision two of this section.

(b) If the notice required pursuant to subdivision two of this section has been provided by an automated teller machine operator or banking institution and such notice is subsequently removed, damaged, or altered by any person other than such automated teller machine operator or banking institution, such operator or institution shall have no liability for a failure to comply with subdivision two of this section as long as such notice is replaced within ten business days from such automated teller machine operator or banking institution becoming aware of the defect.

§ 2. This act shall take effect on the ninetieth 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 are authorized and directed to be made and completed on or before such effective date.