

# STATE OF NEW YORK

6845

2017-2018 Regular Sessions

## IN SENATE

August 7, 2017

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

1 Section 1. Sections 75-n and 75-o of the banking law, are renumbered  
2 75-o and 75-p and a new section 75-n is added to read as follows:

3 § 75-n. Skimming awareness notice. 1. For the purposes of this  
4 section, the following terms shall have the following meanings:

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

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

13 2. Notwithstanding section seventy-five-i of this article every auto-  
14 mated teller machine operator and banking institution shall place a sign  
15 containing a notice regarding skimming on each automated teller machine  
16 operated by such automated teller machine operator or banking institu-  
17 tion. The attorney general shall promulgate the language for such sign,  
18 which shall at a minimum include:

19 (a) A general description of skimming and steps customers can take to  
20 protect themselves; and

21 (b) A statement directing customers who believe they have been a  
22 victim of skimming to contact the attorney general; and

23 (c) The phone number for the attorney general's consumer help line or  
24 other appropriate contract number as determined by the attorney general.

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

LBD13364-01-7

1 3. (a) Any automated teller machine operator or banking institution  
2 who fails to comply with the requirements of this section shall be  
3 assessed a civil penalty not to exceed two hundred fifty dollars per  
4 automated teller machine which lacks the notice required pursuant to  
5 subdivision two of this section.

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

15 § 2. This act shall take effect on the ninetieth day after it shall  
16 have become a law; provided, however, that effective immediately, the  
17 addition, amendment and/or repeal of any rule or regulation necessary  
18 for the implementation of this act on its effective date are authorized  
19 and directed to be made and completed on or before such effective date.