STATE OF NEW YORK

1391

2019-2020 Regular Sessions

IN ASSEMBLY

January 15, 2019

Introduced by M. of A. HUNTER -- read once and referred to the Committee on Banks

AN ACT to amend the banking law, in relation to prohibiting certain check cashing fees

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

Section 1. Section 9-h of the banking law, as added by chapter 90 of the laws of 1985, is amended to read as follows:

§ 9-h. Imposition of service charges prohibited. **1.** No banking organization shall impose any service charge with respect to any deposit account as a result of the loss of a check or money which is properly deposited with the banking organization by delivery to an employee of the banking organization for credit to the deposit account and for which a written receipt is issued by the employee.

2. No banking organization shall impose, or seek to impose, any service charge, or collect any fee, for the cashing of a check or draft drawn on an account at such banking organization, from a person to whom such check or draft is payable, regardless of whether or not such person to whom such check or draft is payable is a customer or account holder of the banking organization upon which such check or draft is drawn. Nothing in this subdivision shall require a banking organization to cash a check or a draft where the account from which such check or draft is payable does not maintain sufficient funds to pay such check or draft. Nothing in this subdivision shall further prohibit any banking organization from charging any account holder any service charge for the cashing of a check or a draft. Nothing in this subdivision shall additionally be deemed to prevent any banking organization from requesting to examine from any person seeking to cash a check or a draft drawn on such banking organization, for sufficient identification necessary to properly identify such person as the person to whom the check or draft is payable. For purposes of this section, a valid and up to date driver's license, non-driver's identification card, or United States passport shall be deemed to constitute sufficient identification.

§ 2. This act shall take effect immediately.

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

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