

# 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:

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

3 § 9-h. Imposition of service charges prohibited. 1. No banking organ-  
4 ization shall impose any service charge with respect to any deposit  
5 account as a result of the loss of a check or money which is properly  
6 deposited with the banking organization by delivery to an employee of  
7 the banking organization for credit to the deposit account and for which  
8 a written receipt is issued by the employee.

9 2. No banking organization shall impose, or seek to impose, any  
10 service charge, or collect any fee, for the cashing of a check or draft  
11 drawn on an account at such banking organization, from a person to whom  
12 such check or draft is payable, regardless of whether or not such person  
13 to whom such check or draft is payable is a customer or account holder  
14 of the banking organization upon which such check or draft is drawn.  
15 Nothing in this subdivision shall require a banking organization to cash  
16 a check or a draft where the account from which such check or draft is  
17 payable does not maintain sufficient funds to pay such check or draft.  
18 Nothing in this subdivision shall further prohibit any banking organiza-  
19 tion from charging any account holder any service charge for the cashing  
20 of a check or a draft. Nothing in this subdivision shall additionally be  
21 deemed to prevent any banking organization from requesting to examine  
22 from any person seeking to cash a check or a draft drawn on such banking  
23 organization, for sufficient identification necessary to properly iden-  
24 tify such person as the person to whom the check or draft is payable.  
25 For purposes of this section, a valid and up to date driver's license,  
26 non-driver's identification card, or United States passport shall be  
27 deemed to constitute sufficient identification.

28 § 2. This act shall take effect immediately.

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

LBD05105-01-9