

# STATE OF NEW YORK

3230

2019-2020 Regular Sessions

## IN SENATE

February 4, 2019

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

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 include steps customers can take to protect themselves from  
19 skimming and a phone number for the attorney general's consumer help  
20 line or other appropriate contact number as determined by the attorney  
21 general to report incidences of suspected skimming.

22 3. (a) Any automated teller machine operator or banking institution  
23 who fails to comply with the requirements of this section shall be  
24 assessed a civil penalty not to exceed two hundred fifty dollars per

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

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1 automated teller machine which lacks the notice required pursuant to  
2 subdivision two of this section.

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

12 § 2. This act shall take effect on the ninetieth day after it shall  
13 have become a law. Effective immediately, the addition, amendment and/or  
14 repeal of any rule or regulation necessary for the implementation of  
15 this act on its effective date are authorized to be made and completed  
16 on or before such effective date.