STATE OF NEW YORK

8616

IN SENATE

June 22, 2020

Introduced by Sen. HOYLMAN -- 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 prohibiting fees for benefit banking services

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

Section 1. The banking law is amended by adding a new section 9-y to read as follows:

§ 9-y. Benefit banking services. 1. As used in this section:

(a) "bank" means any corporation or limited liability investment company subject to the provisions of this chapter, banking corporations organized under the laws of the United States or any other state, private bankers, bank-based financial services companies and federal reserve banks;

(b) "benefit banking services" means any service rendered through a bank relating to the use of an electronic benefit transfer card including deposit; disbursement via electronic fund transfer, checks, or other mechanisms; reconciliation; reporting; or electronic cash management for benefit programs; and

(c) "electronic benefit transfer card" means:

(i) any medical assistance card, food stamp assistance card, public assistance card, or any other identification, authorization card or electronic access device issued by the state or a social services district as defined in subdivision seven of section two of the social services law which entitles a person to obtain public assistance benefits under a local, state or federal program administered by the state, its political subdivisions or social services districts; or

(ii) any unemployment insurance program card, occupational training act program card, adoption subsidy electronic payments program card, or card issued by the New York child support program which entitles a person to receive funds under a local, state or federal program administered by the state, its political subdivisions or social services districts.

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

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2. No bank shall impose any fee for benefit banking services attributable to the use of an electronic benefit transfer card.

3. No operator or owner of an automated teller machine shall impose any fee for benefit banking services attributable to the use of an electronic benefit transfer card.

§ 2. This act shall take effect immediately and shall apply to any current and future contract for benefit banking services as defined in section 9-y of the banking law, as added by section one of this act, entered into between the state, or any agency, subdivision or department thereof, and any institution subject to the New York state banking law, notwithstanding the terms of such current contracts.