

# STATE OF NEW YORK

1465

2021-2022 Regular Sessions

## IN SENATE

January 12, 2021

Introduced by Sen. BRESLIN -- 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 the order in which a payor bank shall pay checks

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

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

3 § 9-y. Banking institutions to pay checks drawn therein in order of  
4 presentation. 1. Notwithstanding any law, rule or regulation to the  
5 contrary, every banking institution that provides consumer checking  
6 accounts shall either pay checks in the order wherein they are received  
7 or pay checks from smallest to largest dollar amount for each business  
8 day's transactions.

9 2. If a check is dishonored for insufficient funds and thereafter  
10 smaller checks which could be paid are received, the smaller checks  
11 shall be honored within amounts on deposit in the subject account.

12 3. The banking institution shall disclose to consumers in writing the  
13 order in which checks are drawn. The written disclosure shall be  
14 provided to the consumer at the time the account is opened and prior to  
15 any change in such policy. The superintendent shall promulgate rules and  
16 regulations necessary for the implementation of this section.

17 4. As used in this section, "consumer checking accounts" means  
18 accounts established by natural persons primarily for personal, family  
19 or household purposes.

20 § 2. This act shall take effect on the first of January next succeed-  
21 ing the date on which it shall have become a law.

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

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