

# STATE OF NEW YORK

446

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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

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. Benefit banking services. 1. As used in this section:

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

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

14 (c) "electronic benefit transfer card" means:

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

22 (ii) any unemployment insurance program card, occupational training  
23 act program card, adoption subsidy electronic payments program card, or  
24 card issued by the New York child support program which entitles a

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

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1 person to receive funds under a local, state or federal program adminis-  
2 tered by the state, its political subdivisions or social services  
3 districts.

4 2. No bank shall impose any fee for benefit banking services attribut-  
5 able to the use of an electronic benefit transfer card.

6 3. No operator or owner of an automated teller machine shall impose  
7 any fee for benefit banking services attributable to the use of an elec-  
8 tronic benefit transfer card.

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