STATE OF NEW YORK

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Cal. No. 336

IN ASSEMBLY

February 1, 2024

Introduced by M. of A. TAPIA, STIRPE, DICKENS, WEPRIN, TAYLOR, BURDICK, ALVAREZ, ARDILA, EPSTEIN, CRUZ, WILLIAMS, DAVILA, HYNDMAN, LUCAS, REYES, CUNNINGHAM -- read once and referred to the Committee on Banks -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

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-aa to read as follows:

§ 9-aa. 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 or credit unions 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

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

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(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.

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 contract for benefit banking services as defined in section 9-aa of the banking law, as added by section one of this act, entered into on or after such effective date 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.