§ 374. Application of article. 1. The provisions of this article shall not apply when checks, drafts or money orders are cashed, other than by a licensee, without a consideration or charge; nor when checks, drafts or money orders are cashed, other than by a licensee, as an incident to the conduct of any other lawful business where not more than one dollar is charged for cashing each check, draft or money order; nor shall the provisions of this article apply to any national bank, federal reserve bank, or to any person, partnership, association, corporation or other organization doing business under or pursuant to the provisions of this chapter, except a licensee under this article.

2. The provisions of this article shall apply to the operation of electronic check cashing machines. No person, partnership, association, corporation or other organization required to be licensed under this article shall operate an electronic check cashing machine without being duly licensed by the superintendent to engage in such business pursuant to this article.

* 3. Notwithstanding the provisions of subdivisions one and two of this section, no national bank or any person, partnership, association, corporation or other organization doing business under or pursuant to the provisions of this chapter, except a licensee under this article, shall conduct the business of cashing checks at a separate location which is used primarily by any such entity for the purpose of cashing checks, or at a separate location by means of an electronic check cashing machine, unless such separate location is not closer than one thousand five hundred eighty-four feet (three-tenths of a mile) from an existing licensee; provided however that this restriction shall not apply to any separate location which was in operation prior to the effective date of this subdivision nor shall it apply to any national bank or any person, partnership, association, corporation or other organization doing business under or pursuant to the provisions of this chapter which was engaged in the business of electronic check cashing machines in this state prior to the effective date of this subdivision.

* NB Repealed August 1, 2027

4. Notwithstanding the provisions of article four-A of this chapter and any rules or regulations adopted thereunder, a public accommodation

office shall be deemed a separate location for purposes of subdivision three of this section if such office is used primarily for the purpose of cashing of checks. A public accommodation office, for purposes of this subdivision, shall include, without limitation, both those public accommodation offices for which regulatory approval is required and those public accommodation offices for which regulatory approval is not required. The provisions of this subdivision shall be deemed to apply to any similar facility established by a national bank.