§ 75-b. Definitions. For purposes of this article, the following terms shall have the following meanings:

1. "Access device" means a card, code, or other means of access to a consumer's account, or any combination thereof, that may be used by the consumer for the purpose of initiating electronic fund transfers.

2. "Automated teller machine" means a device which is linked to the accounts and records of a banking institution and which enables consumers to carry out banking transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and loan payments.

3. "Automated teller machine facility" means an area within the dominion and control of a banking institution comprised of one or more automated teller machines and any adjacent space which is made available to banking customers after regular banking hours.

4. "Adequate lighting" means (a) with respect to an automated teller machine facility located within the interior of a building, lighting, on a twenty-four hour basis, which permits a person entering such facility to readily and easily see all persons occupying such facility, and which permits a person inside such facility to readily and easily see all persons at the entry door of such facility.

(b) with respect to an open and operating automated teller machine facility open to the outdoor air, and any defined parking area, lighting during nighttime hours according to the following standards:

(i) a minimum illuminance of five footcandles is maintained on a horizontal plane at a point five feet outward from and five feet above the ground surface from the automated teller machine;

(ii) a minimum illuminance of two footcandles is maintained on a horizontal plane at a point thirty feet in all unobstructed directions from the automated teller machine, measured at ground level; and

(iii) at sixty feet in all unobstructed directions from the automated teller machine, a minimum illuminance of one footcandle is maintained, measured on a vertical plane at five feet above ground level, with the normal to the plane of measurement aimed at a light source; or

(iv) with respect to an automated teller machine facility that is not in accordance with the standards set forth in either subparagraph (ii) or (iii) of this paragraph, or both such subparagraphs, a minimum illuminance of two footcandles is maintained, measured on a horizontal plane at five feet above ground level, at fifty feet in all unobstructed directions from the automated teller machine.

(c) with respect to an open and operating automated teller machine facility located within the interior of a building, which facility includes a defined parking area: (i) a minimum illuminance of two footcandles is maintained on a horizontal plane at a point thirty feet in all unobstructed directions from the entrance to the automated teller machine facility, measured at ground level; and (ii) at sixty feet in all unobstructed directions from the entrance to the automated teller machine facility, a minimum illuminance of one footcandle is maintained, measured on a vertical plane at five feet above ground level, with the normal to the plane of measurement aimed at a light source; or (iii) with respect to an automated teller machine facility that is not in accordance with the standards set forth in either subparagraph (i) or (ii) of this paragraph, or both such subparagraphs, a minimum illuminance of two footcandles is maintained, measured on a horizontal plane at five feet above ground level, at a point sixty feet in all unobstructed directions from the entrance to the automated teller machine facility.

5. "Banking institution" means any state or federally chartered bank, trust company, savings bank, savings and loan association, or credit union, whether headquartered within or outside of the state, that operates one or more automated teller machine facilities within the state.

6. "Footcandles" means the unit of illuminance equal to one lumen per square foot.

7. "Regular banking hours" means the time at which an office of a banking institution is open to the banking public for normal transaction of business.

8. "Nighttime hours" means the period of time beginning thirty minutes after sunset and ending thirty minutes before sunrise.

9. (a) "Defined parking area" means that portion of any parking area open for and accessible to customers of a banking institution which is:

(1) contiguous to any paved walkway or sidewalk within fifty feet of an automated teller machine facility;

(2) regularly, principally and lawfully used for parking by users of the automated teller machine facility while conducting transactions at such automated teller machine facility; and

(3) owned or leased by the operator of the automated teller machine facility, or owned or otherwise controlled by the party leasing the automated teller machine facility site to the banking institution.

(b) The term "defined parking area" does not include any parking area which is not open or regularly used for parking by the users of the automated teller machine facility or the conduct of transactions during nighttime hours. For this purpose, the parking area is not open if it is physically closed to access or if conspicuous signs indicate that it is closed.