§ 75-j. Civil penalties. 1. Any banking institution found to be in violation of any provision of section seventy-five-c of this article in a compliance report under section seventy-five-g of this article or otherwise found by the department to be in violation of any provision of section seventy-five-c of this article shall correct the violation within ten business days after such finding. Where a banking institution fails to correct any violation of a provision of section seventy-five-c of this article within ten business days after the filing of such report or a finding of violation by the department, the superintendent may in a proceeding after notice and a hearing, require such banking institution to pay a civil penalty in an amount as determined pursuant to section forty-four of this chapter, provided, however, that the aggregate penalty for all offenses with respect to any one automated teller machine facility in any one proceeding shall not exceed an amount as determined pursuant to section forty-four of this chapter. For the purposes of this article, each violation of section seventy-five-c of this article shall be considered a separate and distinct violation.

2. Any banking institution found to be in violation of the provisions of section seventy-five-g of this article shall be liable for a civil penalty in an amount as determined pursuant to section forty-four-a of this chapter for each automated teller machine facility for which a report has not been filed. Any banking institution which makes a material false statement or material omission in any report filed pursuant to section seventy-five-g of this article shall be liable for a civil penalty in an amount as determined pursuant to section forty-four-a of this chapter for each such report.

3. Whenever payment of a civil penalty is required under this article, the superintendent shall execute a written order to that effect. A copy of such order shall be filed in the office of the department and a second copy shall, within three days of execution, be served upon such banking institution either personally or by registered or certified mail, return receipt requested, directed to the banking institution's principal place of business. Such order may be reviewed in the manner provided by article seventy-eight of the civil practice law and rules. Such special proceedings for review as authorized by such section must

be commenced within thirty days from the service of such order. Such section shall in no way limit any of the powers granted to the superintendent under any provision of this chapter.