§ 9-v. Savings promotion prize giveaway. A banking organization organized under or subject to the provisions of this chapter, federal credit union, federal savings bank, federal savings and loan association, or national bank association may conduct a savings promotion in accordance with the provisions of this section, to the extent it is not prohibited by federal law or regulation.

1. Definitions. As used in this section the following terms shall have the following meanings:

a. The term "savings promotion" means a contest or promotion sponsored by a banking organization, federal credit union, federal savings bank, federal savings and loan association, or national bank association in which a chance of winning designated prizes is obtained by its depositors for the purposes of encouraging depositors to build and maintain savings deposits.

b. The term "qualifying account" means a savings account, share account, share certificate, or other savings product or program offered by a banking organization, federal credit union, federal savings bank, federal savings and loan association, or national bank association through which depositors may obtain chances to win prizes in a savings promotion.

c. The term "non-qualifying account" means a savings account, share account, certificate of deposit, or other savings product or program offered by a banking organization, federal credit union, federal savings bank, federal savings and loan association, or national bank association that is not a qualifying account.

2. Rules of operation. a. Participants in a savings promotion shall not be required to provide any consideration in order to obtain entries to win. For purposes of this paragraph, participants shall not be deemed to have provided consideration due to the requirement that they deposit money in a qualifying account to obtain entries to win, so long as: (i) the interest rate associated with any such qualifying account is not reduced when compared with other comparable non-qualifying accounts

offered by any banking organization, federal credit union, federal savings bank, federal savings and loan association or national bank association, to account for the possibility of depositors winning specified prizes; and (ii) no banking organization, federal credit union, federal savings bank, federal savings and loan association, or national bank association may charge a fee for entry. All fees charged in connection with such qualifying account shall be comparable with all fees charged in connection with other comparable non-qualifying accounts, if any, offered by any banking organization, federal credit union, federal savings bank, federal savings and loan association, or national bank association.

b. A savings promotion shall be conducted such that each entry in the savings promotion has an equal chance of being drawn.

c. Participants in a savings promotion shall not be required to be present at a prize drawing in order to win.

d. The offering of a savings promotion shall be subject to section three hundred sixty-nine-e of the general business law in the same manner as other promotions regulated thereunder. For purposes of the general business law and the penal law, a savings promotion offered in accordance with this chapter shall not be deemed to entail consideration or the promotion of gambling or a lottery.