

Introduced by M. of A. TOWNS, LAFAYETTE, SCHROEDER -- Multi-Sponsored by  
-- M. of A. ALFANO, D. GORDON, PEOPLES -- read once and referred to  
the Committee on Banks

AN ACT to amend the banking law, in relation to ATM surcharges on  
persons using foreign bank accounts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND  
ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The banking law is amended by adding a new section 9-u to
- 2 read as follows:
- 3 S 9-U. ATM TRANSACTIONS BY PERSONS USING FOREIGN BANK
- 4 ACCOUNTS. 1.
- 5 SUBJECT TO THE REQUIREMENTS OF SECTION THREE HUNDRED NINETY-
- 6 NINE-Y OF
- 7 THE GENERAL BUSINESS LAW, AS ADDED BY CHAPTER FOUR HUNDRED
- 8 NINETY-FIVE
- 9 OF THE LAWS OF NINETEEN HUNDRED NINETY-NINE, AN AGREEMENT TO
- 10 OPERATE OR
- 11 SHARE AN AUTOMATED TELLER MACHINE SHALL NOT HAVE THE EFFECT OF
- 12 PROHIBIT-
- 13 ING, LIMITING OR RESTRICTING THE RIGHT OF THE OPERATOR OR OWNER
- 14 OF THE
- 15 AUTOMATED TELLER MACHINE TO CHARGE A CUSTOMER WHO IS
- 16 CONDUCTING A TRANS-
- 17 ACTION USING AN ACCOUNT FROM A FINANCIAL INSTITUTION THAT IS
- 18 LOCATED
- 19 OUTSIDE THE UNITED STATES AN ACCESS FEE OR SURCHARGE NOT
- 20 OTHERWISE
- 21 PROHIBITED UNDER STATE OR FEDERAL LAW.
- 22 2. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT OR
- 23 OTHERWISE
- 24 LIMIT THE ABILITY OF AN OPERATOR OR OWNER OF AN AUTOMATED
- 25 TELLER MACHINE
- 26 TO VOLUNTARILY ENTER INTO AN AGREEMENT REGARDING
- 27 PARTICIPATION IN A
- 28 SURCHARGE FREE NETWORK.
- 29 S 2. This act shall take effect on the ninetieth day after it shall
- 30 have become a law.