

Bonus Section D: Suffolk County, New York ATM Security Law

CORRECTED COPY AS OF 3/30/94

Intro. Res. No. 1321-94

Laid on the Table 3/8/94

Introduced by Legislators Locorriere and Levy

RESOLUTION NO. -1994, ADOPTING LOCAL LAW
NO. 1994, A LOCAL LAW TO ADOPT ATM
SECURITY PROTECTION ACT FOR BANK CUSTOMERS

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 1994,

a proposed local law entitled, "A Local Law to Adopt ATM Security Protection Act for Bank Customers" and said local law in final form is the same as when presented and introduced; now, therefore, be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -1994, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO ADOPT ATM SECURITY PROTECTION ACT FOR BANK CUSTOMERS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the use of automated teller machines (ATM's) to conduct banking transactions has become a fact of daily life for many Suffolk County residents; that, because of the location of many of these ATM's and the time of day and night they are used, there is a potential risk of robbery and other related crimes for users of these machines; and that currently there are no standards for security at ATM facilities.

This Legislature also finds and determines that, during 1993, the Suffolk County Police Department reported eleven (11) robberies and attempted robberies associated with ATM's; the actual number of such crimes is believed to be much higher.

This Legislature further finds and determines that security measures currently used at the many ATM locations are inadequate to protect the public safety; that there is no uniform set of standards for security at ATM facilities; that banks allegedly report that only 33% of all ATM locations are equipped with surveillance cameras; and that allegedly only 10% have guards.

Therefore, the purpose of this law is to impose minimum standards of security to protect the health, safety, and general welfare of users of ATM's within the County of Suffolk.

Section 2. Security Measures at Automated Teller Machine Facilities.

Definitions.

- A.) "Access code" shall mean a series of numbers or letters, unique to each banking customer, which when entered into an automated teller machine, grant the customer entry to the customer's account records.
- B.) "Automated teller machine" shall mean a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.
- C.) "Automated teller machine card" shall mean an instrument authorized by a bank which permits a customer to gain access to an automated teller machine facility.
- D.) "Automated teller machine facility" shall mean the area comprised of one or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.
- E.) "Bank" shall mean any banking corporation which operates, owns, or controls an automated teller machine facility within the County of Suffolk.
- F.) "Adequate lighting" with respect to an open and operating automated teller machine facility located on an exterior wall of a building open to the outdoor air, and any defined parking area, shall mean lighting during nighttime hours according to the following standards:
- 1.) minimum of ten (10) candlelight power at the face of the automated teller machine and extending in an unobstructed direction outward five (5) feet;
 - 2.) a minimum of two (2) candlefoot power within fifty (50) feet from all unobstructed directions from the face of the automated teller machines. If such machine is located within ten (10) feet of the corner of the building and the automated teller machine facility is generally accessible from the adjacent side, there shall be a minimum of two (2) candlefoot power along the first forty (40) unobstructed feet of the adjacent side of the building.

With respect to defined parking areas, "adequate lighting" shall mean a minimum of two (2) candlefoot power in that portion of the parking area within sixty (60) feet of the automated teller machine facility.

With respect to an automated teller machine facility located within the interior of a building, "adequate lighting" shall mean lighting on a twenty-four (24) hour basis, which permits a person entering the facility to readily and easily see all persons occupying such facility, and which permits a person inside the facility to readily and easily see all persons at the entry door of such facility.

- G.) "Defined Parking Area" shall mean that portion of any parking area open for bank customer parking which is:
- 1.) contiguous to any paved walkway or sidewalk within fifty (50) 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 during nighttime hours; 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 operator. The term does not include any parking area which is not open or regularly used for parking by the users of the automated teller machine who are conducting automated teller machine transactions during nighttime hours. A parking area is not open if it is physically closed to access or if conspicuous signs indicate that it is closed.
- H.) "Nighttime hours" shall mean the period of time beginning at sunset and ending at sunrise.
- I.) "Candlefoot power" shall mean the light intensity of candles on a horizontal plane at thirty-six (36) inches above ground level and five (5) feet in front of the area to be measured.
- J.) "Regular banking hours" shall mean the hours a branch is normally open for normal transactions of business with the banking public.

Section 3. Security Measures.

- A.) A bank shall maintain the following security measures with respect to each of its automated teller machine facilities:
- 1.) a surveillance camera or cameras which shall view and record all persons entering an automated teller machine facility located within the interior of a building, or which shall view and record all activity occurring within a minimum of three (3) feet in front of an automated teller machine located on an exterior wall of a building open to the outdoor air. Such camera or cameras need not view and record banking transactions made at the automated teller machine. The recordings made by such cameras shall be preserved by the bank for at least thirty (30) days.

- 2.) entry doors equipped with locking devices which permit entry to such facility only to persons using an automated teller machine card or access code issued by a bank for that purpose;
- 3.) adequate lighting;
- 4.) a reflective mirror or mirrors placed in a manner which permits a person entering the automated teller machine facility to view areas within such facility which are otherwise concealed from plain view; and
- 5.) a clearly visible sign, which at a minimum states:
 - (i.) the activity within the automated teller machine facility is being recorded by surveillance camera;
 - (ii.) customers should close the entry door completely upon entering if the automated teller machine facility is located within the interior of a building;
 - (iii.) customers should not permit entrance to any unknown person at any time after regular banking hours when an automated teller machine facility located within the interior of a building is available to banking customers; and
 - (iv.) customers should place withdrawn cash securely upon their person before exiting the automated teller machine facility;

- B.) Subdivisions two and four of Paragraph (A) and subsections (ii) and (iii) of subdivision (5) of Paragraph (A) shall not apply to any automated teller machine facility located on an exterior wall of a building open to the outdoor air.

Section 4. List of Facilities.

- A.) Any bank which operates an automated teller machine facility shall file a list of such facilities with the pertinent municipal Police Department and the County Office of Citizen Affairs, including the street addresses, intersecting streets, hours of operation, method of security, and method of surveillance at each facility, and the telephone number of the bank's security department. The pertinent municipal Police Department shall distribute to each police precinct a list of all automated teller machine facilities in the precinct which are available to a banking customer.

