

Bonus Section C: Westchester County, New York ATM Security Law

Local Law Intro. No. 26-1993

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends adoption of local legislation entitled: "A LOCAL LAW adding a new Article XVIII to Chapter 863 of the Laws of Westchester County in relation to requiring security measures at Automated Teller Machines facilities located within the County."

The use of Automated Teller Machines (ATMs) to conduct banking transactions has become a fact of daily life for many County of Westchester residents, commuters and visitors. Because of the location of many of these ATMs and the time of the day and night they are used, there is present the risk of robbery and other related crimes for users of these machines. The security measures currently used at the majority of ATM locations are inadequate to protect the public's safety.

Currently, there is no uniform set of standards for security at ATM facilities. Therefore, the safety of ATM facilities frequently differs widely from location to location and the users of such facilities are often vulnerable to robberies and other related crimes.

Your Committee finds that it is necessary and

appropriate for the protection and safety of the public to require banks and other institutions providing ATM services to install certain minimum security measures at each ATM facility. Your Committee further finds that the proposed requirements, including adequate lighting, surveillance cameras, reflective mirrors, and consumer safety warnings, will significantly enhance the safety and well-being of the County's residents, workforce and visitors.

Your Committee, after careful consideration, recommends adoption of the proposed legislation.

Dated: December 1, 1993
White Plains, New York

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A LOCAL LAW adding a new Article XVIII to Chapter 863 of the Laws of Westchester County in relation to requiring security measures at automatic teller machine facilities located within the County.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Chapter 863 of the Laws of Westchester is hereby amended to add a new Article XVIII to read as follows:

ARTICLE XVIII

MANDATORY SECURITY MEASURES AT AUTOMATED TELLER MACHINE (ATM) FACILITIES

- §863.501. Legislative Intent
- §863.502. Definitions
- §863.503. Security Measures
- §863.504. List of Facilities
- §863.505. Violations and Penalties
- §863.506. Consumer Safety Information
- §863.507. Enforcement
- §863.508. Certificate of Compliance
- §863.509. Compliance with Building Codes and All Other Applicable Provisions of Law
- §863.510. Exemptions
- §863.511. Severability
- §863.512. When Effective

§863.501. Legislative Intent.

The County Board of Legislators finds that the use of Automated Teller Machines (ATMs) to conduct banking transactions has become a fact of daily life for many County of Westchester residents, commuters and visitors. Because of the location of many of these ATMs and the time of the day and night they are used, there is present the risk of robbery and other related crimes for users of these machines. The security measures currently used at the majority of ATM locations are inadequate to protect the public safety.

At present, there is no uniform set of standards for security at ATM facilities. Consequently, the safety of ATM facilities frequently differs widely from location to location and the users of such facilities are often vulnerable to robberies and other related crimes.

§863.502. Definitions.

When used in this Article the following terms shall have the following meanings:

- a. "Access code" means 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" means 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" means an instrument authorized by a bank which permits a customer to gain access to an automated teller machine facility.

d. "Automated teller machine facility" means 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" means any banking corporation which operates, owns, or controls an automated teller machine facility in the County of Westchester.

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, means lighting during nighttime hours according to the following standards:

(i) a minimum of ten candlefoot power within five (5) feet from all unobstructed directions at the face of the automated teller machine;

(ii) a minimum of two candlefoot power within fifty (50) feet from all unobstructed directions from the face of the automated teller machine. 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" means 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" means 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" means that portion of any parking area open for bank customer parking which is (i) contiguous to any paved walkway or sidewalk within fifty (50) feet of an automated teller machine facility; (ii) 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 (iii) 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" means the period of time

beginning at sunset and ending at sunrise.

i. "Candlefoot power" means 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.

i. "Regular banking hours" means the time during which a banking office is open for the normal transaction of business with the banking public.

§263.503. Security Measures.

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

facility is being recorded by surveillance camera.

(ii) customers should close the entry door completely upon entering if the automated teller 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.

(iv) customers should place withdrawn cash securely upon their person before exiting the automated teller machine facility; and

(v) complaints concerning security in the automated teller machine facility should be directed to the bank's security department or to the County Department of Consumer Protection, together with telephone numbers for such complaints. Where emergency assistance is needed due to criminal activity or medical emergency, call 911 at the nearest available public telephone.

Paragraphs two, three, five and six of this subdivision shall not apply to any automated teller machine.

for at least thirty (30) days.

(2) entry doors equipped with locking devices which permit entry to such facility only to persons using a magnetic-stripe plastic card or similar device;

(3) entry doors equipped in accordance with local building codes;

(4) adequate lighting;

(5) at least one (1) exterior wall which provides an unobstructed view of the automated teller machine or machines within the automated teller machine facility, as allowed under local building codes, where practicable;

(6) 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

(7) a clearly visible sign, which at a minimum,

states:

(i) the activity within the automated teller machine.

