

17:16 K-7

LEGISLATIVE HISTORY CHECKLIST
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(ATM--safety measures)

NJSA: 17:16K-7

LAWS OF: 1995 CHAPTER: 117

BILL NO: A1828

SPONSOR(S): Bateman

DATE INTRODUCED: May 23, 1994

COMMITTEE: ASSEMBLY: Financial Institutions
SENATE: State Management

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: December 1, 1994
SENATE: May 11, 1995

DATE OF APPROVAL: June 2, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

See newspaper clipping--attached:
"New law puts spotlight on safety at bank...", 6-7-95, Star Ledger.

KBG:pp

P.L.1995, CHAPTER 117, *approved June 5, 1995*
1994 Assembly No. 1828 (*First Reprint*)

1 AN ACT requiring added security measures at automated teller
2 machine locations.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. As used in this act:

7 "Access area" means any paved walkway or sidewalk which is
8 within 50 feet of an automated teller machine or the entrance of
9 an automated teller machine facility and is used by the public to
10 access the machine or facility. The term does not include
11 publicly maintained sidewalks or roads.

12 "Access device" means a card, code, or other means of access
13 to a customer's credit or deposit account, or any combination
14 thereof, that may be used by the customer for the purpose of
15 ¹[initiating electronic fund transfers] effecting a transaction at
16 an automated teller machine¹.

17 "Automated teller machine" means any electronic information
18 processing device located in the State of New Jersey which
19 accepts or dispenses cash in connection with a credit or deposit
20 account. The term does not include tellers' stations staffed by a
21 person or other manned facilities.

22 "Automated teller machine facility" means an enclosed area,
23 the principal purpose of which is the housing of one or more
24 operating automated teller machines to which customers have
25 access to conduct transactions with respect to a credit or deposit
26 account.

27 "Candlefoot power" means the light intensity of candles on a
28 horizontal plane at 36 inches above ground level and five feet in
29 front of the area to be measured.

30 "Control" of an access area or defined parking area means the
31 present authority to determine how, when, and by whom any such
32 area is to be used, and how it is to be maintained, lighted, and
33 landscaped.

34 "Customer" means a natural person to whom an access device
35 has been issued for personal, family, or household use.

36 "Defined parking area" means that portion of any parking area
37 open for customer parking which is (1) contiguous to an access
38 area; (2) regularly, principally, and lawfully used for parking by
39 users of an automated teller machine or automated teller
40 machine facility while conducting automated teller machine
41 transactions during hours of darkness; and (3) owned or leased by
42 the operator of an automated teller machine or owned or
43 controlled by the party leasing an automated teller machine or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
¹ Assembly AFI committee amendments adopted September 29, 1994.

1 automated teller machine facility site to the operator. The term
2 does not include any parking area which is not open or regularly
3 used for parking by users who are conducting automated teller
4 machine transactions during hours of darkness. A parking area is
5 not open if it is physically closed to access or if conspicuous signs
6 indicate that it is closed. If a multiple level parking area
7 satisfies the conditions of this definition of "defined parking
8 area" and would therefore otherwise be a defined parking area,
9 only the single parking level deemed by the operator of an
10 automated teller machine or automated teller machine facility to
11 be the most directly accessible to users shall be a defined parking
12 area.

13 "Hours of darkness" means the period that commences 30
14 minutes after sunset and ends 30 minutes before sunrise.

15 "Operator" means any State or federally chartered bank,
16 savings bank, savings and loan association, credit union, or other
17 entity, which operates an automated teller machine.

18 "User" means any person to whom an access device has been
19 issued.

20 "Video camera" includes any image recording device which is
21 capable of recording a clear image of the required areas of
22 coverage as provided in section 3 of this act.

23 2. a. Operators of all automated teller machines in operation
24 after the effective date of this act shall evaluate the safety of
25 automated teller machines. This evaluation shall include
26 consideration of:

27 (1) The extent to which the lighting for the automated teller
28 machine or automated teller machine facility complies with the
29 standards required by section 4 of this act.

30 (2) The presence of landscaping, vegetation, or structures in
31 the area of an automated teller machine or automated teller
32 machine facility, the access area, or a defined parking area which
33 might obstruct views so as to adversely affect the safety of users.

34 b. It is not the intent of the Legislature in enacting this
35 section to impose a duty to close, relocate or modify automated
36 teller machines or automated teller machine facilities upon the
37 occurrence of any particular events or circumstances, but rather
38 to establish a standard of good faith for the evaluation thereof.

39 3. Every automated teller machine facility shall contain a
40 video camera which at least shall view and record all persons
41 entering the facility or all persons who effect a transaction.

42 4. Each operator and any person or entity controlling an access
43 area or defined parking area in operation after the effective date
44 of this act shall provide:

45 a. A minimum of 10 candlefoot power at the face of an
46 unenclosed automated teller machine and extending in an
47 unobstructed direction outward five feet.

48 b. A minimum of two candlefoot power within 50 feet in all
49 unobstructed directions from the face of the automated teller
50 machine or the entrance of an automated teller machine facility.
51 In the event any such automated teller machine or automated
52 teller machine facility is located within 10 feet of the corner of
53 the building in which it is located and the automated teller
54 machine or automated teller machine facility is generally

1 accessible from the adjacent side of such building, there shall be
2 a minimum of two candlefoot power along the first 40
3 unobstructed feet of the adjacent side of the building, measured
4 from the corner.

5 c. A minimum of two candlefoot power in that portion of the
6 defined parking area within 60 feet of an automated teller
7 machine or the entrance to an automated teller machine facility.

8 d. With respect to the interior of an automated teller machine
9 facility, sufficient lighting to permit a ¹[sighted]¹ person
10 entering the facility to readily and easily see all persons
11 occupying the facility, and to permit a ¹[sighted]¹ person inside
12 the facility to readily and easily see all persons entering the
13 facility.

14 5. a. Each customer receiving an access device shall be
15 furnished by the respective issuer thereof with written notice of
16 basic safety precautions to be employed while using an automated
17 teller machine. This information shall be furnished by personally
18 delivering or by mailing the information to each customer whose
19 mailing address as to the account to which the access device
20 relates is in the State of New Jersey. This information shall be
21 furnished to each customer who has an access device on the day
22 prior to the effective date of this act, within 60 days after the
23 effective date of this act and to each customer provided with an
24 access device on or after the effective date of this act, at the
25 same time the customer is provided with the access device. Only
26 one notice need be furnished per household; and if an access
27 device is furnished to more than one customer for a single
28 account or set of accounts or on the basis of a single application
29 or other request for more than one access device, only a single
30 notice need be furnished in satisfaction of the notification
31 responsibilities as to all such customers. The information may be
32 included with other disclosures related to the access device
33 furnished to the customer, such as with any initial or periodic
34 disclosure statement or notice furnished pursuant to the federal
35 "Electronic Fund Transfer Act," 15 U.S.C. §1693 et seq., and
36 shall be furnished annually thereafter.

37 b. An issuer of an access device shall be deemed to be in
38 compliance with the requirement of subsection a. of this section
39 to provide a customer with basic safety precaution information if
40 the notice advises customers of the following:

41 (1) To be alert to their surroundings and to defer transactions
42 if circumstances cause them to be apprehensive for their safety;

43 (2) To close the entry door of any automated teller machine
44 facility equipped with a door;

45 (3) To place withdrawn cash securely upon the person before
46 exiting any automated teller machine facility;

47 (4) To direct complaints concerning automated teller machine
48 security to an appropriate department of the operator or to the
49 Department of Banking; and

50 (5) The telephone number of the operator and the Department
51 of Banking.

52 c. Operators shall maintain, in the vicinity of an automated
53 teller machine, and in any automated teller machine facility, a
54 clearly visible sign, which shall be deemed to comply with the

1 requirements of this section if it includes the information
2 contained in paragraphs (1) through (5) of subsection b. of this
3 section.

4 6. a. The Department of Banking shall enforce the provisions
5 of this act.

6 b. Any party responsible hereunder found to be in violation of
7 any provision of this act shall correct the violation within five
8 business days after such finding. Failure to correct the violation
9 within five business days after such finding may subject the party
10 to a civil penalty of not more than \$250 which may be collected
11 by summary proceedings instituted by the Commissioner of
12 Banking in accordance with "the penalty enforcement law"
13 (N.J.S.2A:58-1 et seq.).

14 7. Nothing contained in this act shall be construed to exempt
15 or relieve any operator, owner or other person responsible
16 hereunder from complying with all relevant provisions of the
17 State Uniform Construction Code, P.L.1975, c.217 (C.52:27D-119
18 et seq.), and all other applicable provisions of law.

19 8. The provisions of this act shall not apply to any automated
20 teller machine or automated teller machine facility located in
21 any building, structure or space the primary purposes or function
22 of which is: unrelated to the provision of financial services to
23 the general public, including but not limited to office buildings,
24 supermarkets, airports and school buildings; to provide automated
25 teller machine services to persons employed in such building; or
26 installed for a temporary purpose for a period of not more than
27 thirty days.

28 9. This act supersedes and preempts all rules, regulations,
29 codes, or ordinances of any county or municipality with regard to
30 customer safety at automated teller machines or automated
31 teller machine facilities.

32 10. This act shall become effective on the first day of the
33 seventh month following enactment.

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37

38 Requires added security measures at automated teller machine
39 locations.

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- 2 b. Any party responsible hereunder found to be in violation of
3 any provision of this act shall correct the violation within five
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9 (N.J.S.2A:58-1 et seq.).
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11 or relieve any operator, owner or other person responsible
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13 State Uniform Construction Code, P.L.1975, c.217 (C.52:27D-119
14 et seq.), and all other applicable provisions of law.
- 15 8. The provisions of this act shall not apply to any automated
16 teller machine or automated teller machine facility located in
17 any building, structure or space the primary purposes or function
18 of which is: unrelated to the provision of financial services to
19 the general public, including but not limited to office buildings,
20 supermarkets, airports and school buildings; to provide automated
21 teller machine services to persons employed in such building; or
22 installed for a temporary purpose for a period of not more than
23 thirty days.
- 24 9. This act supersedes and preempts all rules, regulations,
25 codes, or ordinances of any county or municipality with regard to
26 customer safety at automated teller machines or automated
27 teller machine facilities.
- 28 10. This act shall become effective on the first day of the
29 seventh month following enactment.
- 30
31

32 STATEMENT

33
34 This bill provides for uniform State-wide regulation for
35 security for persons using automated teller machines (ATMs) and
36 ATM facilities. It provides standards for review of ATM
37 locations, for lighting of ATM areas, for education of ATM users
38 and requires a video camera in every ATM facility.
39
40
41

42
43 _____
44 Requires added security measures at automated teller machine
locations.

ASSEMBLY FINANCIAL INSTITUTIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1828

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 29, 1994

The Assembly Financial Institutions Committee reports favorably and with committee amendments Assembly, No. 1828.

This bill, as amended, provides for uniform State-wide regulation for security for persons using automated teller machines (ATMs) and ATM facilities. It provides standards for review of ATM locations, for lighting of ATM areas, for education of ATM users and requires a video camera in every ATM facility.

More specifically, the bill requires all persons operating automated teller machines or automatic teller machine facilities to evaluate the safety of each ATM with respect to the following: the extent to which the lighting for the ATM or ATM facility complies with the standards set in the bill for such lighting and the extent to which landscaping, vegetation or structures in the area of the ATM or ATM facility, the access area or a defined parking area obstruct views so as to adversely affect the safety of users.

The bill requires a written notice to be sent to all users of ATM access devices informing them of the following: to be alert to their surroundings and to defer transactions if circumstances cause them to be apprehensive for their safety; to close the entry door of any ATM facility so equipped; to put away withdrawn cash before exiting the ATM facility; to direct complaints concerning ATM security to an appropriate department of the operator of the ATM or ATM facility or the Department of Banking; and the telephone number of the facility operator and the Department of Banking. This information is also required to be posted in the vicinity of an ATM and ATM facility.

The provisions of this bill do not apply to any ATM or ATM facility located in any building, structure or space, the primary purpose of which, is unrelated to the provision of financial services to the general public, such as, supermarkets, airports and educational institutions or those facilities installed for a temporary purpose of not more than 30 days.

This bill provides a Statewide standard and as such supersedes and preempts all rules, regulations, codes, or ordinances of any county or municipality with regard to customer safety at ATMs or ATM facilities.

Amendments to the bill change the definition of access device to mean a device for effecting a transaction at an automated teller machine and delete the word "sighted" in section 4.

SENATE STATE MANAGEMENT, INVESTMENTS AND
FINANCIAL INSTITUTIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1828

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 1995

The Senate State Management, Investments and Financial Institutions Committee reports favorably Assembly, No. 1828(1R).

This bill provides for uniform Statewide security measures at automated teller machine (ATM) locations.

The bill specifies that operators of automated teller machines or automated teller machine facilities must evaluate the safety of ATMs with respect to the following: (1) the extent to which the lighting for the ATM or ATM facility complies with the standards set forth in the bill and (2) the extent to which landscaping, vegetation or structures in the area of the ATM or ATM facility, an access area or a defined parking area may obstruct views so as to adversely affect the safety of users.

The bill requires that every automated teller machine facility shall contain a video camera to view and record all persons entering the facility or effecting a transaction. It also establishes standards for lighting at an access area or a defined parking area.

The bill further requires that a written notice be sent by the issuer to all users of ATM access devices of basic safety precautions to be employed while using an automated teller machine. This information shall also be posted in the vicinity of an ATM and in any ATM facility.

The provisions of this bill shall not apply to any ATM or ATM facility located in any building, structure or space whose primary purpose or function is unrelated to the provision of financial services to the general public, such as office buildings, supermarkets, airports and school buildings or those facilities installed for a temporary purpose of not more than 30 days.

This act shall take effect on the first day of the seventh month following enactment. It shall supersede and preempt all rules, regulations, codes or ordinances of any county or municipality with regard to customer safety at ATMs or ATM facilities.