

107TH CONGRESS
2^D SESSION

H. R. 3662

To amend the Electronic Fund Transfer Act to ensure the convenience of automated teller machines and the safety of the machines and the customers by establishing security measures for the machines, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2002

Mr. ROTHMAN (for himself, Mr. OWENS, Mr. SMITH of New Jersey, Mr. PAYNE, Ms. CARSON of Indiana, and Mrs. CLAYTON) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Electronic Fund Transfer Act to ensure the convenience of automated teller machines and the safety of the machines and the customers by establishing security measures for the machines, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ATM Consumer Pro-
5 tection Act”.

1 **SEC. 2. ATM SECURITY MEASURES.**

2 The Electronic Fund Transfer Act (15 U.S.C. 1693
3 et seq.) is amended—

4 (1) by redesignating sections 918, 919, 920,
5 and 921 as sections 919, 920, 921, and 922, respec-
6 tively; and

7 (2) by inserting after section 917 the following
8 new section:

9 **“SEC. 918. ATM SECURITY REQUIREMENTS.**

10 “(a) IN GENERAL.—Before the end of the 6-month
11 period beginning on the date of the enactment of the ATM
12 Consumer Protection Act, the Board shall prescribe regu-
13 lations establishing minimum standards with which each
14 automated teller machine operator shall comply with re-
15 spect to the installation, maintenance, and operation of
16 security devices and procedures, reasonable in cost—

17 “(1) to discourage robberies, burglaries, and
18 larcenies relating to the operation and use of auto-
19 mated teller machines; and

20 “(2) to assist in the identification and appre-
21 hension of persons who commit such acts.

22 “(b) MINIMUM REQUIREMENTS.—At a minimum, the
23 standards required under subsection (a) shall include the
24 following:

25 “(1) SECURITY PROGRAM.—Each automated
26 teller machine operator shall—

1 “(A) establish procedures that will assist
2 in identifying persons committing crimes
3 against any automated teller machine or any
4 consumer using such machine and that will pre-
5 serve evidence that may aid in their identifica-
6 tion or conviction; and

7 “(B) designate at least 1 person as secu-
8 rity officer (for each automated teller machine
9 operated by the operator) who shall be respon-
10 sible for ensuring compliance with the require-
11 ments of the regulations with respect to such
12 machine, including appropriate recordkeeping
13 requirements and liaison to local law enforce-
14 ment agencies.

15 “(2) ADEQUATE LIGHTING.—

16 “(A) IN GENERAL.—Each automated teller
17 machine operator shall ensure that adequate
18 lighting exists with respect to each automated
19 teller machine operated by such operator.

20 “(B) ADEQUATE LIGHTING DEFINED.—
21 The term ‘adequate lighting’ means, at a
22 minimum—

23 “(i) in the case of an automated teller
24 machine located inside a building or not
25 otherwise open to the outdoor air, lighting

1 at all times that a consumer has access to
2 such machine for purposes of initiating an
3 electronic fund transfer that is adequate to
4 allow a consumer—

5 “(I) entering the building or loca-
6 tion of the machine to see all persons
7 in the building or space; and

8 “(II) in the building or space to
9 see all persons entering the building
10 or space;

11 “(ii) in the case of an automated tell-
12 er machine open to the outside air, lighting
13 at all times necessary due to the absence
14 of direct or ambient sunlight—

15 “(I) sufficient to brightly illu-
16 minate the area within 5 feet of the
17 machine; and

18 “(II) sufficient to adequately illu-
19 minate at least 50 feet or more in any
20 unobstructed direction from the ma-
21 chine;

22 “(iii) in the case a nearby parking
23 area has been provided for use by con-
24 sumers of automated teller machine,
25 among other users, lighting at all times

1 necessary due to the absence of direct or
2 ambient sunlight or other light sufficient
3 to adequately illuminate the nearby park-
4 ing area and all areas between the machine
5 and such parking area;

6 “(iv) in the case of access to an auto-
7 mated teller machine from an adjacent side
8 of a building or other space, lighting at all
9 times necessary due to the absence of di-
10 rect or ambient sunlight or other light suf-
11 ficient to adequately illuminate the adja-
12 cent side of the building or other space;
13 and

14 “(v) in all cases, lighting sufficient to
15 ensure optimal operation of all surveillance
16 equipment, cameras, and recording devices.

17 “(3) SURVEILLANCE REQUIREMENTS.—

18 “(A) IN GENERAL.—Each automated teller
19 machine operator shall ensure that each auto-
20 mated teller machine is provided with a surveil-
21 lance camera or cameras sufficient to view and
22 record each person who uses the automated tell-
23 er machine, all activity occurring within 3 feet
24 of the automated teller machine (other than the
25 transaction itself), and such other views and re-

1 cordings as may be required under the stand-
2 ards.

3 “(B) MAINTENANCE OF RECORDINGS.—All
4 recordings made by surveillance cameras shall
5 be maintained by an operator of an automated
6 teller machine for such period of time as may
7 be required under the standards which shall not
8 be less than a 30-day period and any recording
9 relating to a specific time period or event shall
10 be maintained by such operator indefinitely at
11 the request of a local law enforcement agency in
12 connection with an investigation of a crime at
13 or near such machine, or otherwise related to
14 the machine.

15 (4) ALARM SYSTEM.—Each automated teller
16 machine operator shall maintain an alarm system or
17 other appropriate device for promptly notifying the
18 nearest responsible law enforcement officers of an
19 attempted or perpetrated robbery, burglary or lar-
20 ceny in connection with the operation of an auto-
21 mated teller machine.

22 (5) OTHER PREVENTATIVE AND REMEDIAL
23 MEASURES.—The standards shall require the secu-
24 rity officer designated by any operator of an auto-
25 mated teller machine to take such other actions as

1 the security officer may determine to be appropriate
2 and useful to prevent crimes in the vicinity of the
3 machine and to preserve evidence in the event of any
4 such crime, taking into consideration the following:

5 (i) The incidence of crimes against con-
6 sumers, including users of automated teller ma-
7 chines, in the vicinity of the automated teller
8 machine.

9 (ii) The amount of the average transaction
10 at the machine and the amount of currency ex-
11 posed to robbery, burglary, or larceny.

12 (iii) The distance of the automated teller
13 machine from the nearest responsible law en-
14 forcement officers and the time required for
15 such law enforcement officers ordinarily to ar-
16 rive at the automated teller machine.

17 (iv) The cost of the security devices.

18 (v) Other security measures in effect at the
19 automated teller machine and in the vicinity of
20 the machine.

21 (vi) The physical characteristics of the lo-
22 cation of the automated teller machine and its
23 vicinity.

1 “(c) CONSULTATION.—In prescribing the standards
2 required to be established under this section, the Board
3 shall—

4 “(1) consult with—

5 “(A) other agencies referred to in sub-
6 sections (a) and (c) of section 917;

7 “(B) appropriate State officers or agencies
8 which supervise the operation of automated tell-
9 er machines or any operator of automated teller
10 machines; and

11 “(C) insurers furnishing insurance protec-
12 tion against losses and other liabilities resulting
13 from robberies, burglaries, and larcenies com-
14 mitted against operators of automated teller
15 machines or consumers using such machines;
16 and

17 “(D) any appropriate State agency having
18 supervisory or regulatory responsibilities with
19 respect to any insurer referred to in subpara-
20 graph (C); and

21 “(2) take into account the regulations and re-
22 quirements under the Bank Protection Act of
23 1968.”.

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