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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “ATM Consumer Protection Act”.

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
SECTION 2. ATM SECURITY MEASURES.

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

(1) by redesignating sections 918, 919, 920, and 921 as sections 919, 920, 921, and 922, respectively; and

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

"SEC. 918. ATM SECURITY REQUIREMENTS.

"(a) IN GENERAL.—Before the end of the 6-month period beginning on the date of the enactment of the ATM Consumer Protection Act, the Board shall prescribe regulations establishing minimum standards with which each automated teller machine operator shall comply with respect to the installation, maintenance, and operation of security devices and procedures, reasonable in cost—

"(1) to discourage robberies, burglaries, and larcenies relating to the operation and use of automated teller machines; and

"(2) to assist in the identification and apprehension of persons who commit such acts.

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

"(1) SECURITY PROGRAM.—Each automated teller machine operator shall—
“(A) establish procedures that will assist in identifying persons committing crimes against any automated teller machine or any consumer using such machine and that will preserve evidence that may aid in their identification or conviction; and

“(B) designate at least 1 person as security officer (for each automated teller machine operated by the operator) who shall be responsible for ensuring compliance with the requirements of the regulations with respect to such machine, including appropriate recordkeeping requirements and liaison to local law enforcement agencies.

“(2) ADEQUATE LIGHTING.—

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

“(B) ADEQUATE LIGHTING DEFINED.—

The term ‘adequate lighting’ means, at a minimum—

“(i) in the case of an automated teller machine located inside a building or not otherwise open to the outdoor air, lighting
at all times that a consumer has access to
such machine for purposes of initiating an
electronic fund transfer that is adequate to
allow a consumer—

“(I) entering the building or location of the machine to see all persons
in the building or space; and

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

“(ii) in the case of an automated teller machine open to the outside air, lighting
at all times necessary due to the absence of direct or ambient sunlight—

“(I) sufficient to brightly illuminate the area within 5 feet of the
machine; and

“(II) sufficient to adequately illuminate at least 50 feet or more in any
unobstructed direction from the machine;

“(iii) in the case a nearby parking area has been provided for use by con-
sumers of automated teller machine,

among other users, lighting at all times
necessary due to the absence of direct or ambient sunlight or other light sufficient to adequately illuminate the nearby parking area and all areas between the machine and such parking area;

“(iv) in the case of access to an automated teller machine from an adjacent side of a building or other space, lighting at all times necessary due to the absence of direct or ambient sunlight or other light sufficient to adequately illuminate the adjacent side of the building or other space; and

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

“(3) SURVEILLANCE REQUIREMENTS.—

“(A) IN GENERAL.—Each automated teller machine operator shall ensure that each automated teller machine is provided with a surveillance camera or cameras sufficient to view and record each person who uses the automated teller machine, all activity occurring within 3 feet of the automated teller machine (other than the transaction itself), and such other views and re-
cordings as may be required under the standards.

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

(4) ALARM SYSTEM.—Each automated teller machine operator shall maintain an alarm system or other appropriate device for promptly notifying the nearest responsible law enforcement officers of an attempted or perpetrated robbery, burglary or larceny in connection with the operation of an automated teller machine.

(5) OTHER PREVENTATIVE AND REMEDIAL MEASURES.—The standards shall require the security officer designated by any operator of an automated teller machine to take such other actions as
the security officer may determine to be appropriate and useful to prevent crimes in the vicinity of the machine and to preserve evidence in the event of any such crime, taking into consideration the following:

(i) The incidence of crimes against consumers, including users of automated teller machines, in the vicinity of the automated teller machine.

(ii) The amount of the average transaction at the machine and the amount of currency exposed to robbery, burglary, or larceny.

(iii) The distance of the automated teller machine from the nearest responsible law enforcement officers and the time required for such law enforcement officers ordinarily to arrive at the automated teller machine.

(iv) The cost of the security devices.

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

(vi) The physical characteristics of the location of the automated teller machine and its vicinity.
“(c) CONSULTATION.—In prescribing the standards required to be established under this section, the Board shall—

“(1) consult with—

“(A) other agencies referred to in subsections (a) and (c) of section 917;

“(B) appropriate State officers or agencies which supervise the operation of automated teller machines or any operator of automated teller machines; and

“(C) insurers furnishing insurance protection against losses and other liabilities resulting from robberies, burglaries, and larcenies committed against operators of automated teller machines or consumers using such machines; and

“(D) any appropriate State agency having supervisory or regulatory responsibilities with respect to any insurer referred to in subparagraph (C); and

“(2) take into account the regulations and requirements under the Bank Protection Act of 1968.”.