

SENATE No. 1912

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act improving safety at Automated Teller Machines.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>

SENATE No. 1912

By Mr. Joyce, a petition (subject to Joint Rule 12) of Brian A. Joyce, Gale D. Candaras, Claire D. Cronin, Ruth B. Balser and other members of the General Court for legislation to improve safety at automated teller machines. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 428 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act improving safety at Automated Teller Machines.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 167B of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting after the word “agreement”, the following
3 definitions:-

4 “Automated teller machine”, any electronic information processing device that accepts or
5 dispenses cash in connection with a credit, deposit or convenience account. The term does not
6 include devices used (i) solely to facilitate check guarantees or check authorizations, (ii) in
7 connection with the acceptance or dispensing of cash on a person-to-person basis, including by
8 store cashier, or (iii) for payment in connection with the purchase of goods or services.

9 “Automated teller machine facility”, the area comprised of one or more automated teller
10 machines, and any adjacent space which is made available to banking customers after regular
11 banking hours.

12 SECTION 2. Chapter 167B, as so appearing, is hereby further amended by adding at the
13 end thereof the following new sections:-

14 Section 25. Security Measures at Enclosed ATMs.

15 (a) A financial institution shall install and maintain the following security measures with
16 respect to each of its automated teller machine facilities located within the interior of any
17 structure maintained by or adjacent to the financial institution:

18 (1) A surveillance camera or cameras, which shall view and record an image of all
19 persons entering, exiting, and moving within or about the automated teller machine facility. The
20 camera or cameras need not view and record financial transactions made at the automated teller
21 machine. The financial institution shall preserve the recordings made by such cameras for at
22 least thirty calendar days;

23 (2) Entry doors equipped with locking devices, which shall permit entry to such facility
24 only to persons using an automated teller machine card or access code issued by a bank for that
25 purpose;

26 (3) Entry doors equipped with fire exit bolts;

27 (4) Lighting which permits a person of average eyesight using the automated teller
28 machine to readily and easily see all other persons in the immediate vicinity of such machine and
29 at the entry door of the automated teller machine facility;

30 (5) At least one exterior wall made substantially of untinted glass or other untinted,
31 transparent material, which shall provide an unobstructed view of the automated teller machine
32 or machines within the automated teller machine facility;

33 (6) Reflective mirrors or surfaces within an automated teller facility that allow a person
34 within the facility to see areas which are otherwise concealed from plain view; and reflective
35 surfaces on or around the automated teller machine which provide the user a rear view;

36 (7) A twenty-foot radius where no vehicles may park or stand, enforced by the police and
37 bank authorities;

38 (8) A dedicated means to contact a 911 emergency number. Any automated teller
39 machine installed on or after July 1, 2014 shall be equipped with a dedicated two-way voice
40 telephone line operable by a single switch or call button that establishes a connection to the
41 available 911 or E911 emergency service. Any automated teller machine installed before July 1,
42 2014 that does not meet the requirements of this section shall install a clearly marked emergency
43 telephone which provides an immediate connection to a 911 emergency number.

44 (9) Programming that allows a consumer to enter an emergency personal identification
45 number that dispenses funds as usual and also automatically sends an alarm to the local law
46 enforcement agency that has jurisdiction over the terminal location. All automated teller
47 machines must be equipped with this emergency personal identification number feature no later
48 than July 1, 2015.

(10) 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;

(iii) Customers should not permit entrance to any unknown person at any time after regular financial institution hours;

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

(v) Customers should direct complaints concerning security in the automated teller machine facility to the financial institution's security department or to the department of consumer affairs, together with the telephone numbers for each department; and

(vi) Where the customer requires emergency assistance due to criminal activity or medical emergency, customers should call 911 using the dedicated voice telephone line or call button provided.

(b) Consumer Safety Information. Upon the original issuance or reissuance of an automated teller machine facility access card or code, the issuing financial institution shall provide customers with written information concerning safety precautions that customers should follow while using an automated teller machine facility. Such written information shall include, at a minimum, the information described in subsection (10) of this section.

(c) Enforcement. The Division of Banks shall update and enforce the regulations at 209 CMR 31.00 in accordance with the provisions of this section.

Section 26. Security Measures at Open ATMs. (a) A financial institution shall install and maintain the following security measures with respect to each of its automated teller machine facilities open to the outdoor air:

(1) A surveillance camera or cameras, which shall view and record all activity within a minimum six feet in front of the automated teller machine. The camera or cameras need not view and record financial transactions made at the automated teller machine. The financial institution shall preserve the recordings made by such cameras for at least thirty calendar days;

(2) If the automated teller machine is open and operating during hours of darkness, lighting according to the following standards:

(i) A minimum of 10 candlefoot power at the face of the automated teller machine extending unobstructed outward 5 feet;

(ii) A minimum of 2 candlefoot power within 50 feet in all unobstructed directions from the face of the automated teller machine;

(iii) If the automated teller machine is located within 10 feet of the corner of a building and the automated teller machine is generally accessible from the adjacent side of the building, there shall be a minimum of 2 candlefoot power along the first 40 unobstructed feet of the adjacent side of the building;

(iv) There shall be a minimum of 2 candlefoot power within any defined parking area within 60 feet of the automated teller machine.

For the purposes of this section, “candlefoot power” shall mean the light intensity of candles on a horizontal plane at thirty-six inches above ground level and five feet in front of the area to be measured.

(3) Reflective mirrors or surfaces at each automated teller machine which provide the user a rear view;

(4) A twenty-foot radius where no vehicles may park or stand, enforced by the police and bank authorities;

(5) A dedicated means to contact a 911 emergency number. Any automated teller machine installed on or after July 1, 2014 shall be equipped with a dedicated voice telephone line operable by a single switch or call button that establishes a connection to the available 911 or E911 emergency service. Any automated teller machine installed before July 1, 2014 that does not meet the requirements of this section shall install a clearly marked emergency telephone which provides an immediate connection to a 911 emergency number.

(6) Programming that allows a consumer to enter an emergency personal identification number that dispenses funds as usual and also automatically sends an alarm to the local law enforcement agency that has jurisdiction over the terminal location. All automated teller machines must be equipped with this emergency personal identification number feature no later than July 1, 2015.

(7) A clearly visible sign, which at a minimum, states:

(i) The activity at the automated teller machine is being recorded by surveillance camera;

(ii) Customers should place withdrawn cash securely upon their person before leaving the automated teller machine;

(iii) Customers should direct complaints concerning security in the automated teller machine facility to the financial institution’s security department or to the department of consumer affairs, together with the telephone numbers for each department; and

(iv) Where the customer requires emergency assistance due to criminal activity or medical emergency, customers should call 911 using the dedicated voice telephone line or call button provided.

(b) Enforcement. The Division of Banks shall update and enforce the regulations at 209 CMR 31.00 in accordance with the provisions of this section.

Section 27. Security Measures at ATMs in Commercial Locations. (a) Every person or entity shall maintain the following security measures with respect to each of the automated teller machines located and installed on his or her building, structure, or space whose primary purpose or function is unrelated to financial activities, including but not limited to supermarkets, restaurants, bars, convenience stores, where such automated teller machine is available for use only during the regular hours of operation of the building, structure or space in which such machine is located:

(1) A surveillance camera or cameras, which shall view and record all activity within a minimum six feet in front of the automated teller machine. The camera or cameras need not view and record financial transactions made at the automated teller machine. The recordings made by such cameras shall be preserved for at least thirty calendar days;

(2) Lighting which permits a person of average eyesight using the automated teller machine to readily and easily see all other persons in the immediate vicinity of such machine and, where applicable, at the entry door of the automated teller machine facility;

(3) Reflective mirrors or surfaces at each automated teller machine which provide the user a rear view;

(4) A dedicated means to contact a 911 emergency number. Any automated teller machine installed on or after July 1, 2014 shall be equipped with a dedicated voice telephone line operable by a single switch or call button that establishes an immediate connection to the available 911 or E911 emergency service. Any automated teller machine installed before July 1, 2014 that does not meet the requirements of this section shall install a clearly marked emergency telephone which provides an immediate connection to a 911 emergency number.

(5) Programming that allows a consumer to enter an emergency personal identification number that dispenses funds as usual and also automatically sends an alarm to the local law enforcement agency that has jurisdiction over the terminal location. All automated teller machines must be equipped with this emergency personal identification number feature no later than July 1, 2015.

(6) A clearly visible sign, which at a minimum, states:

(i) The activity at the automated teller machine is being recorded by surveillance camera;

(ii) Customers should place withdrawn cash securely upon their person before leaving the automated teller machine;

(iii) Customers should direct complaints concerning security in the automated teller machine facility to the financial institution's security department or to the department of consumer affairs, together with the telephone numbers for each department; and

(iv) Where the customer requires emergency assistance due to criminal activity or medical emergency, customers should call 911 using the dedicated voice telephone line or call button provided.

(b) Enforcement. The Division of Banks shall update and enforce the regulations at 209 CMR 31.00 in accordance with the provisions of this section.

SECTION 3. Chapter 167B, as so appearing, is hereby further amended by adding at the end thereof the following new section:-

Section 28. Data Collection Requirement. The State Police Crime Reporting Unit shall, in coordination with state, local, and campus police departments, collect and analyze statistical data and information including, but not limited to:

(1) The number and location of crimes involving automated teller machines, including crimes where the victim is forced to surrender their card and PIN;

(2) The number of persons arrested for the commission of such crimes; and

(3) The crimes alleged.

The State Police Crime Reporting Unit shall make the data and information collected pursuant to this section available to the public.

SECTION 4. Automated Teller Machine Crimes.

Section 21 of Chapter 265 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting in line 4 after the word "bank", the following:- automated teller machine,

Section 21 of Chapter 265 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting in line 7 after the word "opening", the following:- or gaining access to

Section 21 of Chapter 265 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting in line 7 after the word "bank", the following:-automated teller machine,