

DEPARTMENT OF JUSTICE ISSUES NEW ADA REQUIREMENTS FOR ATMS:

A final rule issued by the U.S. Department of Justice pursuant to the Americans with Disabilities Act (ADA) adds specific technical requirements to ATMs for speech output, privacy, tactilely-discernible input controls, display screens, and Braille instructions to the general accessibility requirements set out in the 1991 Standards. The 1991 Standards require ATMs to be accessible to and independently usable by persons with visual impairments, but do not contain any technical specifications. The new 2010 Standard spells out the new technical specifications for ATMs that must be followed. The deadline for compliance with the new ADA requirements for ATMs is March 15, 2012. However, the new ATM requirements will not apply to any business owner who can demonstrate that compliance would cause an undue burden which imposes a significant difficulty or expense.

Adopted guidelines

The 2010 Standards adopted the following elements, for ATMs:

- **Clear Floor or Ground Space.** Clear floor space or ground space complying with section 305 of the ADA and ABA Accessibility Guidelines for Buildings and Facilities must be provided. This is not required at drive-up only ATMs.
- **Operable Parts.** Operable parts must comply with section 309 of the ADA and ABA Accessibility Guidelines for Buildings and Facilities, and each operable part must be able to be differentiated by sound or touch without activation. This is not required at drive-up only ATMs.
- **Privacy.** ATMs must provide the same degree of privacy input and output to all individuals.
- **Speech Output.** ATMs must be speech enabled. All displayed information and additional ATM functions (e.g., dispensing coupons or providing monthly statement copies) must be accessible to and independently usable by individuals with vision impairments. Speech can be recorded or synthesized.
 - Audible tones may be permitted instead of speech for security purposes, such as asterisks representing personal identification numbers (PINS)
 - Advertisements and other similar information shall not be required to be audible unless they convey information that can be used in the transaction being conducted
 - Where speech synthesis cannot be supported, dynamic alphabetic output shall not be required to be audible
 - Speech shall be capable of being repeated or interrupted
 - Where receipts are provided, speech output devices shall provide audible balance inquiry information, error messages, and all other information on the printed receipt necessary to complete or verify the transaction
- The following information is not required to be presented as audible receipts:
 - The location of the ATM, date and time of the transaction, customer account number and ATM identifier;
 - Information on printed receipts that duplicates information available on-screen; and
 - Printed copies of bank statements and checks.

- **Input Controls.** At least one tactilely-discernible input control shall be provided for each function. Key surfaces not on active areas of display screens must be raised above surrounding surfaces. Where membrane keys are the only method of input, each shall be tactilely-discernible from surrounding surfaces and adjacent keys.
- **Numeric Keys.** Numeric keys shall be arranged in a 12-key ascending or descending telephone keypad layout. The number 5 key shall be tactilely distinct from the other keys.
- **Contrast.** Function keys shall contrast visually from background surfaces. Characters and symbols on key surfaces shall contrast visually from key surfaces. Visual contrast shall be either light-on-dark or dark-on-light.
- **Tactile Symbols.** Function key surfaces shall have tactile symbols as follows: Enter or Proceed key: raised circle; Clear or Correct key: raised left arrow; Cancel key: raised letter ex; Add Value key: raised plus sign; Decrease Value key: raised minus sign.
- **Visibility.** The display screen shall be visible from a point located 40 inches (1015 mm) above the center of the clear floor space in front of the machine. This does not apply to drive-up only ATMs.
- **Characters.** Characters displayed on the screen shall be in a sans serif font. Characters shall be 3/16 inch (4.8 mm) high minimum based on the uppercase letter "I". Characters shall contrast with their background with either light characters on a dark background or dark characters on a light background.
- **Braille.** Braille instructions for initiating the speech mode shall be provided. (Braille must comply with 703.3 of the ADA and ABA Accessibility Guidelines for Buildings and Facilities.)

Undue Burden

According to the U.S. Department of Justice, ATMs are not considered part of the **structural element** of a building which qualifies for the "**safe harbor**" provision under the ADA. The safe harbor provision allows businesses to comply with structural changes required under the ADA only when a building is replaced or undergoes major renovation. Thus, the safe harbor provision allows businesses to spread out the cost of ADA compliance over time.

Instead of being part of the building structure and subject to the safe harbor rule, the Department of Justice considers ATMs an "**auxiliary aid and service**". Under the ADA, a business may forgo compliance with an auxiliary aid and service - such as the new ATM requirements - if compliance would "**result in an undue burden.**"

Under the ADA an "undue burden" is defined as a "**significant difficulty or expense.**" In determining whether compliance with new ATM requirements would result in an undue burden, the following factors must be considered:

- The nature and cost of the action needed;
- The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site;
- The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity;

- If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and
- If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

A business makes its own determination on whether or not an undue burden exists regarding compliance with new ATM requirements. The Department of Justice says that this determination is made on a case by case basis by the business. The Department of Justice will review the validity of an undue burden decision in the course of litigation brought against the business by a complaining party.